

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF NEW YORK

3 -----  
4 UNITED STATES OF AMERICA,

5 -versus-

08-CR-77

6 LINDA O'CONNOR and DEAN SACCO.  
7 -----

8 TRANSCRIPT OF JURY TRIAL

9 held in and for the United States District Court,  
10 Northern District of New York, at the Federal Building and  
11 Courthouse, 15 Henry Street, Binghamton, New York, on  
12 TUESDAY, May 27, 2008, before the HON. THOMAS J. McAVOY,  
13 Senior United States District Court Judge, PRESIDING.

14 APPEARANCES:

15 FOR THE GOVERNMENT:

16 UNITED STATES ATTORNEY'S OFFICE

17 BY: MIROSLAV LOVRIC, AUSA

18 Binghamton, New York

19 FOR THE DEFENDANT O'CONNOR:

20 FEDERAL PUBLIC DEFENDER'S OFFICE

21 BY: LISA PEEBLES, AFPD

22 Syracuse, New York

23 FOR THE DEFENDANT SACCO:

24 KELLY FISCHER, ESQ.

25 Binghamton, New York

1 (In open court)

2 MR. FISCHER: Your Honor, one exhibit I've  
3 spoken with Mr. Lovric about, I didn't speak with Miss  
4 Peebles about. It's a bill from the plumber rather than the  
5 plumber himself that I'd like to offer into evidence.

6 THE COURT: All right. What's the number?

7 MR. FISCHER: Excellent question.

8 MISS PEEBLES: Your Honor, we may have to put  
9 something on the record I guess before the jury's brought in.

10 THE COURT: Okay of. Let's get Kelly's done  
11 first and we'll go to you.

12 THE CLERK: The next is going to be S-31.

13 MR. FISCHER: Your Honor, this is Exhibit  
14 S-31, consists of two pages. Pederson Plumbing bill.

15 Also, Ms. Ligas brought to my attention that I  
16 had two exhibits with the same number. S-20 was the phone  
17 script used in the March 14 and 15, 2007 phone calls. I also  
18 marked as S-20 Shannon's March 2, 2007 statement to Norwich  
19 Police Department.

20 THE COURT: Why don't you just make that  
21 S-20-A. That will take care of it.

22 Any objection to receipt of S-31 on the part  
23 of the government or co-defendant?

24 MR. LOVRIC: No objection.

25 MISS PEEBLES: No, your Honor.

1 THE COURT: We will receive in evidence  
2 Defendant's S-31.

3 Okay, Miss Peebles.

4 MISS PEEBLES: Your Honor, it was based upon  
5 the government's objection to us calling a child psychologist  
6 and the Court having concerns about whether or not the case  
7 law would support it. In light of the fact that the alleged  
8 victim in this case was 14, or 14 and was 13 at the time, we  
9 withdrew our request. And in that regard, your Honor, and  
10 it's my -- I have a concern that the government is now going  
11 to try to call their child psychologist or psychiatrist in  
12 rebuttal.

13 THE COURT: I don't think that's appropriate.  
14 I think to rebut something, you've got to have something put  
15 in by the defense, then the government has the right to call  
16 somebody that says something different, perhaps. But without  
17 putting the predicate on, without having the child  
18 psychologist, I don't think it would be appropriate for Mr.  
19 Lovric to call someone to say how truthful the victim witness  
20 was.

21 Mr. Lovric, what do you say about that?

22 MR. LOVRIC: I agree with you absolutely,  
23 Judge.

24 THE COURT: Here we go.

25 MISS PEEBLES: We have one more witness we're

1 going to call, and after that we will rest on behalf of Mrs.  
2 O'Connor.

3 THE COURT: Is there going to be any rebuttal  
4 evidence?

5 MR. LOVRIC: No, there's not, Judge.

6 THE COURT: That will be the close of the  
7 evidence. And then we'll go right into summation. Is  
8 everybody ready for that?

9 MISS PEEBLES: Yes, your Honor.

10 THE COURT: Do you want to take ten minutes to  
11 go back and look at new language that I put in that's  
12 important to Mr. Fischer?

13 MR. FISCHER: Yes, sir.

14 THE COURT: We'll take ten minutes and go into  
15 summation.

16 MR. LOVRIC: Judge, I don't believe I have any  
17 rebuttal based on what I've heard so far. I kind of know  
18 what Miss Hamilton's going to say. In case there is  
19 something there, I don't want anybody to hold me to it. As  
20 thus far in the trial, I do not have any rebuttal.

21 THE COURT: Let me know if something develops.  
22 Okay. Colleen.

23 (Jury present)

24 THE COURT: Morning, ladies and gentlemen.  
25 Once again, let me thank you for the courtesy you extended me

1 in allowing me not to be overcome by the force. It appears  
2 that worked out well for all of us because as I understand  
3 it, we have one witness left and perhaps some rebuttal, but  
4 probably not so. After that witness testifies, then we'll  
5 take a short break and we'll start closing arguments. So  
6 things are going to move along finally, and we appreciate  
7 everybody's cooperation.

8 So, Miss Peebles, who have you got for us?

9 MISS PEEBLES: On behalf of Mrs. O'Connor, the  
10 defense would call Kim Hamilton.

11 THE COURT: Okay.

12 THE CLERK: State your name for the record.

13 THE WITNESS: Kim Hamilton.  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Kim Hamilton - Direct

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1 K I M H A M I L T O N, having been called as a witness,  
2 being duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MISS PEEBLES:

5 Q Mrs. Hamilton, can you tell the jury in what town  
6 you reside.

7 A In Norwich, New York.

8 Q And who do you reside -- who do you live with?

9 A My husband and six children.

10 Q And are those six children foster children or are  
11 they adopted?

12 A I have -- I have three that are adopted and three  
13 that are foster children.

14 Q And how long have you been involved as a foster  
15 parent?

16 A Four years.

17 Q And how did you become involved with helping to  
18 raise foster children?

19 A I couldn't have children of my own and so I  
20 mentioned it to my husband. We took classes, and from that  
21 day on we've had numerous children.

22 Q Now, the children that you adopted, were they at  
23 some point foster children that you were raising?

24 A Yes.

25 Q I'm going to ask you whether you know Shannon

Kim Hamilton - Direct

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1 O'Connor?

2 A How do I know her?

3 Q How do you know Shannon O'Connor?

4 A She came to my house as a foster child.

5 Q And do you recall when that was?

6 A February, last year.

7 Q 2007?

8 A Yes.

9 Q And when Shannon O'Connor came to live with you,  
10 did you have any interaction with her caseworkers?

11 A Yes, I did.

12 Q And who was her caseworker?

13 A Elizabeth Chesebro.

14 Q Can you describe Shannon's adjustment to living  
15 with you at your home when she first came to live with you.

16 A When she first came, she was really scared, of  
17 course. But she immediately made herself right at home. She  
18 started calling me Mom immediately. She adjusted very well  
19 and was impressed that I had so many children in my home  
20 before and have adopted so many children.

21 Q Can you describe what you observed with regard to  
22 her interaction with her caseworker.

23 A They were like best friends.

24 Q In what way?

25 A It was like anything Shannon wanted, she got, but I

Kim Hamilton - Direct

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1 can recall when Shannon came into care, besides Liz, there  
2 were other caseworkers that had stated to me there was --  
3 anything at all that Shannon needed, just to let them know  
4 and they would see to it that she got it. And it wasn't  
5 through the county; it was through friendship that they built  
6 up with Shannon.

7 Q Now, what did you observe about how Shannon reacted  
8 with her caseworkers versus other foster children that you  
9 had and their interaction with their caseworkers?

10 A As I said, they seemed like they were best friends.  
11 Anything that Shannon wanted, it seemed as though Shannon  
12 got.

13 Q Is that something you had noticed in the past with  
14 regard to other foster children?

15 A Absolutely not. No.

16 Q Now, did there come a time when you became aware of  
17 allegations that Shannon had made about Dean Sacco?

18 A She never talked to me about Dean Sacco.

19 Q Did you have -- did you ever have a conversation  
20 with a caseworker concerning allegations that she made?

21 A I think so, but then it was just allegations. It  
22 was something she had mentioned, but nothing came out of it.

23 Q What -- Did Shannon ever talk to you about a  
24 birthday party that she had or was having back in December of  
25 2006?



Kim Hamilton - Direct

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1           A     Yes.  She did.  We were going to the mall, and I  
2     think it was a couple weeks after she had moved in with us,  
3     because I think her birthday is in December, and we were  
4     driving, and we went past the Best Western, and she said that  
5     that's where her and her mom went for her birthday.  It was a  
6     vacation, and she was very disappointed because her landlord  
7     Dean could not make it -- well, I didn't know it was Dean  
8     then, but her landlord could not make it, because her and her  
9     mom became friends with the landlord and Shannon really liked  
10    hanging out with the landlord but her mother didn't like her  
11    to.

12          Q     Did -- So Shannon discussed with you having a  
13    birthday party that the landlord wasn't able to attend?

14          A     Right.

15          Q     At the time did you think anything of that  
16    conversation?

17          A     No, I didn't.

18          Q     Now, did Shannon ever run away from your home while  
19    she was staying with you as a foster child?

20          A     Yes, she did.

21          Q     And could you tell the jury when approximately that  
22    happened.

23          A     Possibly March or April.  I'm not a hundred percent  
24    sure, but her and my daughter took off, and so I called the  
25    caseworker and I drove around looking for her, and I went

Kim Hamilton - Direct

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1 first to Linda's house and nobody was there. And the  
2 caseworker also said that she went there looking. And  
3 everybody was driving around. They called the police. They  
4 eventually found Shannon and my daughter at the bowling  
5 alley, and Shannon did admit that she was looking for her mom  
6 because she needed just to see her because she had missed her  
7 so much and -- but then they returned and Shannon was a  
8 little apparently angry at me, wanted to get back at me for  
9 finding her.

10 Q What did she do after she came back to your house  
11 that night?

12 A She came up with a letter stating that my husband  
13 and I abused all of our children constantly, that we both  
14 sexually assaulted her and that we, you know, didn't provide  
15 for her, all of this, and then she went around and made all  
16 of the children -- and some of my children that I have are  
17 special needs and they don't have the ability to understand  
18 or read and that -- had them all sign it because she was  
19 going to turn it in to have us arrested. And I said, if this  
20 is true, everybody, then I think everybody needs to pack  
21 their bags and leave. I've been doing this for 13 years, you  
22 know. So -- so later, Shannon came out and she was  
23 apologizing to me for writing the letter and she ripped it  
24 up, and she said when she gets angry, she does things like  
25 that to get attention, and she wasn't getting apparently

Kim Hamilton - Direct

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1 enough attention from my husband and I and she wanted more  
2 attention.

3 Q Was there ever a CPS investigation, do you know,  
4 regarding any allegations she made about you and your husband  
5 Dick?

6 A We -- I'm not sure if it was a CPS report, but I  
7 had caseworkers that came out and talked to us about what  
8 Shannon had wrote and stuff, and they found it to be  
9 unfounded and -- Shannon apologized and continued to  
10 apologize for days but, you know, you lose trust in a child  
11 when they start doing stuff like that.

12 Q Did there come a time when Shannon was removed from  
13 your home?

14 A Well, no, she was -- yeah, she was removed from my  
15 home. They took her from school and I got a phone call that  
16 she had to be removed.

17 Q And where did they take her?

18 A To down here in Binghamton to a children's psych  
19 something. I don't really remember the name of the place.

20 Q Did you ever -- did you have contact Shannon --  
21 with Shannon after she went to the psychiatric hospital?

22 A After she was there for quite some time we got to  
23 have a phone call, and it was monitored.

24 Q Did you ever visit with Shannon while she was at  
25 the psychiatric center?

Kim Hamilton - Direct

2133

1 A Yes, I did.

2 Q Do you know how many times you visited with her?

3 A I think three.

4 Q And what was the -- what did you feel after you had  
5 the visits with Shannon?

6 A I think the first time when I left, I thought, wow,  
7 this place is not like a home, home setting. But at the same  
8 time I did not feel sorry for Shannon. I felt like this is  
9 what Shannon wanted and she was going to get attention from  
10 these guys.

11 Q Did you ever voice any concerns regarding  
12 medication that they were giving her?

13 A I did. I did. I think it was Zoloft that they had  
14 her on, and I can recall they said that Shannon was like  
15 hallucinating and acting different and stuff, and I had  
16 mentioned to them that I have had kids in my care, they  
17 started off with Zoloft, and they said things that were just  
18 crazy and did things that weren't, I guess, normal from when  
19 they first came in, and when they would get off from that, it  
20 was different. And Shannon, they finally took Shannon off  
21 that and they put her on something different, and it was more  
22 like the first day when I met Shannon. She was that, you  
23 know, cute little girl that anybody could have loved, I  
24 guess.

25 Q What about any visits to the hospital while she was

Kim Hamilton - Direct

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1 in your care; did Shannon ever have to go to the hospital  
2 while she lived with you?

3 A One time she did, yes.

4 Q Could you tell the jury about that instance.

5 A She was in cheerleading and she asked me numerous  
6 times if she could quit cheerleading, and in my house, if you  
7 start something, you really have to finish it, unless you  
8 have a really good reason why you can't. And I could tell  
9 something was going on with Shannon, and a lot of kids on the  
10 cheerleading team really didn't care much for Shannon.

11 So, I got a phone call and they said that Shannon  
12 went up in a pyramid and she fell backwards and couldn't  
13 move, and I was like, okay, you know. So I had to find  
14 somebody to watch the kids and I went to the hospital, but I  
15 wasn't in a rush because in my gut I felt like this is an  
16 attention thing, she needs more attention or whatever.

17 So we -- I got down there and there was three  
18 coaches and one of the EMS guys were there that Shannon knows  
19 very well from camp and stuff. They were all like just  
20 smothering her pampering her, everything like that, and, you  
21 know, she was like, Mom, I can't move and I can't this, and I  
22 was like, geez, you know, falling two feet, I've fallen two  
23 feet. And she had like a tiny little bruise on her back.  
24 She was like, oh, I just wish I had a bear or something to  
25 hug. My mom would have done something like that for me.

Kim Hamilton - Direct

2135

1 Well, one of the coaches literally left, went to the store,  
2 bought her a cheerleading bear and brought it back. It was  
3 like this miracle, she was healed. It was --

4 Q Did you ever witness Shannon lying to her mother  
5 while she was living with you or manipulating her mother?

6 A She made her mom feel guilty. Like her mom -- she  
7 had a dog and her mom had to get rid of the dog, and it was  
8 supposed to be Shannon's dog. And a turtle. She would -- I  
9 guess because I had to listen in to the conversations,  
10 Shannon always tried to make her mom feel guilty. Like her  
11 mom could not do anything right for her and, you know -- from  
12 where I was as the foster parent, everything seemed to be  
13 going absolutely fine and Shannon never, you know, didn't lie  
14 to her mom or make her -- and her mom didn't lie to her about  
15 anything either so --

16 MISS PEEBLES: Thank you, Kim. I have no  
17 further questions.

18 THE COURT: Okay. Mr. Lovric.

19 MR. LOVRIC: Just a few questions.

20 CROSS-EXAMINATION

21 BY MR. LOVRIC:

22 Q Hi, Miss Hamilton.

23 A Hi.

24 Q I just wanted to go over a couple of things that  
25 you mentioned with Miss Peebles.

Kim Hamilton - Cross

2136

1           When Shannon first came to you in foster care, is  
2     it correct she was very, very scared and very concerned,  
3     something was bothering her at that point?

4           A     When she first came, she was only scared for a  
5     couple hours and then that was it. And then the only concern  
6     she had was what was going to happen to her mom for not  
7     paying the bill at Pizza Hut.

8           Q     Okay. Well, did you know at that point that  
9     Shannon had come to your household after she and her mom had  
10    not paid for food at a restaurant and her mom was eventually  
11    arrested and charged for that? Did you know that at that  
12    time?

13          A     Shannon came into my home as a foster child because  
14    her mom could not pay the bill at Pizza Hut. That is what I  
15    was told.

16          Q     Okay. And at that point when Shannon came into  
17    your custody and into your home, you didn't really know much  
18    more about Shannon's background, you didn't know where else  
19    she had lived or under what kind of circumstances at that  
20    point, is that a fair statement?

21          A     No, I didn't. Well, I knew some. The caseworker  
22    Liz filled me in that they lived in Deposit and they were  
23    flooded out and that they were involved with church and then  
24    they moved to Norwich and that many years ago Shannon tried  
25    cutting herself one time with a plastic knife and so just to

Kim Hamilton - Cross

2137

1 keep my eye out for that. And I never saw Shannon cut  
2 herself. Never even talked about it or any of that to us.

3 Q Okay. But as far as -- you got some general  
4 information about Shannon and her mother, where they had  
5 been, but as far as specifics, you didn't have specific  
6 information about Shannon's internal family workings, things  
7 about her mother and maybe things about her brother and  
8 things of that nature?

9 A No, I did. I knew her brother did not live with  
10 them for quite some time. I knew Shannon talked about --  
11 they told us that she called this lady and guy Grandma and  
12 Grandpa. And that her mother had some disabilities.

13 Q Okay. I guess when she first came to live with  
14 you, this is stuff you knew when she came to live with you?

15 A Yes. They have to give me information before I  
16 would even okay if the child can come into my home.

17 Q Who gave you that information?

18 A Liz Chesebro.

19 Q At that point in time Liz is giving you an update  
20 on things you need to know, things you need to be aware of?

21 A Right.

22 Q Now when Shannon was living in your home, is it  
23 fair to say that she got along fairly well with the other  
24 children?

25 A She got along excellent with the other children.



Kim Hamilton - Cross

2138

1 Q And when she was living in your home, did you find  
2 Shannon to be somebody that was a generally positive kid?

3 A Yes.

4 Q Positive thinking?

5 A Yes.

6 Q You said that at one point she talked to you about  
7 or mentioned the landlord. Did she mention him by name or  
8 did she mention him simply by saying the landlord?

9 A The landlord.

10 Q Now, I take this conversation that you had with  
11 Shannon, when she tells you about this event, this is before  
12 she discloses to the police about sexual -- being abused by  
13 Dean Sacco?

14 A Right.

15 Q So she came to live with you, I think it was  
16 February 26 or February 27?

17 A Something like that, yes.

18 Q And then you were aware that on March 2 she  
19 disclosed to a teacher at her school about being sexually  
20 abused by her landlord, Dean Sacco?

21 A No. I knew later -- it wasn't that soon. Because  
22 I know one of the counselors at school called me, and then --  
23 because one of her teachers were concerned because she had  
24 said something about Dean, and it didn't seem like anybody  
25 really took too much concern in that.

Kim Hamilton - Cross

2139

1           Q     That wasn't my question, Miss Hamilton. Do you  
2 recall that on March 2 of 2007 Shannon discloses to a teacher  
3 at school that she was sexually abused and then Liz Chesebro  
4 comes out to your house that very same day to talk to Shannon  
5 about what she had just disclosed at school?

6           A     It could have been that day. I know a teacher  
7 called, but I'm not sure if that was the day.

8           Q     And then, in fact, that same day, March 2, 2007,  
9 Liz Chesebro takes Shannon to the Norwich Police Department  
10 and she's interviewed by an investigator; do you recall that  
11 event?

12          A     Yes, I do recall that.

13          Q     Okay. If that is correct, March 2, then Shannon  
14 would have been in your custody for a total of about five  
15 days, approximately, before disclosing the sexual abuse by  
16 her landlord, Dean Sacco?

17          A     No. It was longer than five days.

18          Q     So you think it was longer?

19          A     Yeah.

20          Q     How much longer do you think it was?

21          A     We didn't know for -- I honestly couldn't say. It  
22 seems like it was a lot longer than that.

23          Q     Okay. Miss Hamilton, when Shannon had told the  
24 teacher at school and then to Liz Chesebro about the abuse by  
25 her landlord, at some point around that time Liz actually

Kim Hamilton - Cross

2140

1 told you, debriefed you generally about what Shannon had said  
2 happened to her?

3 A Yes, she did.

4 Q So you did -- Whenever that was --

5 A Right.

6 Q -- you did get the information from Liz that  
7 Shannon had talked about being sexually abused by her  
8 landlord?

9 A Right.

10 Q Now, did you know, Miss Hamilton, that Shannon had  
11 been in the custody of a person named Renee Lang for about a  
12 six-week period?

13 A She had talked about that.

14 Q Okay. Shannon had talked to you about it?

15 A Yes. Yep.

16 Q And were you aware or did you know while Shannon  
17 was in Renee Lang's custody her mother, Linda O'Connor, had  
18 told Shannon to tell caseworkers how badly she wanted to be  
19 with her mom and even tell the Family Court judge that she  
20 wanted to go back? Did you know any part of that history?

21 A No, I didn't know, no.

22 Q Did you know the particulars of why it was that she  
23 went to be or stay with this Renee Lang for about a six-week  
24 or eight-week period?

25 A Something about the flood. They had no place to

Kim Hamilton - Cross

2141

1 go. That's what my understanding was.

2 Q Okay. Did you have any information or did you know  
3 that Shannon had gone to Renee Lang's because her mother had  
4 actually left her alone at home without any food and without  
5 any supervision?

6 A No. Shannon said they had to go there after the  
7 flood and she had to stay there.

8 Q Okay. So you didn't have those particulars?

9 A No.

10 Q Now, you indicated that at some point Shannon got  
11 very angry at you?

12 A M-m h-m-m.

13 Q And that this angry episode had to do with when she  
14 ran away or after she ran away and was brought back?

15 A I don't know why she got angry to us. We still  
16 don't know to this day why she got angry that day.

17 Q It happened after she ran away and got brought back  
18 to the house? I didn't say why.

19 A What happened --

20 Q When Shannon got angry at you, it was after she had  
21 run away and got back to your house?

22 A Yes.

23 Q I want to make sure I'm focusing on the same event.

24 A Yes.

25 Q And then in her anger she says things about you and

Kim Hamilton - Cross

2142

1 your husband, and you sat down with her --

2 A Right.

3 Q -- and had a talk with her, right?

4 A Right.

5 Q And how long did it take you to wrestle the truth  
6 out of Shannon?

7 A Out of Shannon, it took a while. The other  
8 children spoke up first, and they were the ones that said she  
9 made them sign it, and then finally Shannon sat there,  
10 started crying, I just did it because like nobody's paying  
11 enough attention, I can't see my mom and the caseworkers  
12 and --

13 Q Okay. I take it this is all in the same day's  
14 events?

15 A It was the next day.

16 Q Okay. And Shannon then tells you she's sorry about  
17 what she did?

18 A Yes.

19 Q She doesn't go on continuing to say, no, this is  
20 true and I'm going to tell the authorities --

21 A No.

22 Q -- and I'm going to continue pressing on and --

23 A No.

24 Q -- and this is really what happened?

25 A No.

Kim Hamilton - Cross

2143

1           Q     I mean, I take it your interactions with Shannon,  
2 Shannon had, you know -- Shannon had a will of her own, but  
3 it wasn't like you had to, you know, do waterboarding on her  
4 or anything to do anything to come around and tell the truth?

5           A     No.

6           Q     She was a fairly straightforward kid once you --

7           A     Not always, no.

8           Q     I mean, straightforward, telling you things  
9 accurately, but once you confronted her and once you got her  
10 to focus on what it is that you were having a problem with,  
11 she was a pretty easy person to get through to?

12                   MR. FISCHER: Your Honor, I'm going to object  
13 to the question. I don't really understand what it means.

14                   THE COURT: It's important that the witness  
15 does. I think it's objectionable. Try to rephrase it.

16           BY MR. LOVRIC:

17           Q     I guess what I'm asking, Miss Hamilton, when you  
18 had an issue with Shannon and you confronted it, it didn't  
19 take a very long time for you or your husband, for that  
20 matter, to get to the bottom of what the truth was?

21           A     There were many times that it was hard to get the  
22 truth out of her, yes.

23           Q     She would go on months and month?

24           A     Not months. Days she would go on. She would lie  
25 and she would manipulate people around her, you know, and

Kim Hamilton - Cross

2144

1 eventually she'd come out, and even though I knew the  
2 truth -- excuse me -- even if I knew the truth, she would  
3 still stand there and she would lie.

4 Q Where do you think that came from?

5 A I think it came from, after watching Shannon for  
6 the time she was in my home, and listening to her, I think  
7 it's -- Shannon wanted something that Shannon didn't have  
8 yet. I think she wanted a family, she wanted -- she wanted  
9 so much and -- but her -- the only positive thing in her life  
10 that she talked about all the time was her mom, to be back  
11 with her mom.

12 Q Why was it that she was in your care if her mom was  
13 so wonderful?

14 A Because of Pizza Hut, where her mom did not pay the  
15 bill at Pizza Hut.

16 Q For that she was taken away forever and ever from  
17 her mother?

18 A It wasn't supposed to be a forever and -- forever  
19 thing.

20 Q Well, what happened, Miss Hamilton -- correct me if  
21 I'm wrong -- is, Shannon came into your care and stayed in  
22 your care for quite a long time because there were a lot of  
23 things that were discovered that her mother had done to her  
24 and the lifestyle that her mother exposed her to?

25 MISS PEEBLES: Objection.

Kim Hamilton - Cross

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1 Q Did you know that or didn't you?

2 MISS PEEBLES: Objection.

3 THE COURT: Sustained.

4 Q Well, did you know, for example, that her mother  
5 had exposed her to a vibrator all night while she's sleeping  
6 in the same bed with Shannon?

7 MISS PEEBLES: Objection.

8 THE COURT: Overruled. Specific instance.

9 A No, Shannon never said anything like that.

10 Q Not Shannon. Did you know it from anybody, not  
11 just what Shannon told you?

12 A No, no.

13 Q Did you know, for example, that her mother had fed  
14 her alcohol on numerous occasions?

15 MISS PEEBLES: Objection.

16 THE COURT: Overruled. If she knows, she can  
17 tell us. If she doesn't know, she can tell us that.

18 A No, I don't know.

19 Q Did you know that her mother had allowed her to be  
20 exposed to pornography routinely on their home computer in  
21 Deposit, New York?

22 A No.

23 Q So, Miss Hamilton, I could go on with some of these  
24 questions, but my point to you and my question to you is: Is  
25 it a fair statement that there were a lot of things that you



Kim Hamilton - Cross

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1 were not privy to that the health providers were in fact  
2 privy to? Is that a fair statement?

3 A It's a fair statement, but I feel as a foster  
4 parent, because I've had children that I've known all that  
5 stuff like that about, that I feel Shannon came in and got  
6 underneath some wings and came up with these things because  
7 she could have been angry, she wasn't getting what she  
8 wanted, and Shannon was one that really wanted everything  
9 that second when she spoke of it.

10 Q And her mother gave it to her when she wanted  
11 certain things, did you know that?

12 A I did know that. Shannon told me that.

13 Q Now, the people at the Greater Binghamton Health  
14 Center and the caseworkers that worked with Shannon, you  
15 discussed and talked to a number of them about her health  
16 care and also what kind of treatment she was getting, is that  
17 correct?

18 A Only to a couple. That was it.

19 Q Were you aware that there were a team of health  
20 care workers that was providing for Shannon at various points  
21 in time at Greater Binghamton?

22 A When I went to a Binghamton meeting, yes.

23 Q Miss Hamilton, would you agree that these folks  
24 that work at the Greater Binghamton Health Center and the  
25 caseworkers, with all due respect to your many years, they

Kim Hamilton - Cross

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1 have many, many children, cases that they worked on as well.  
2 You don't know that. I'm just asking, from interaction with  
3 them, you realize that they had many, many children and cases  
4 that they worked with?

5 A They have, yes. Yes. Shannon is unique in her own  
6 way, and I learned that in a short time.

7 Q I appreciate that. I guess my question to you is:  
8 If I understand you correctly, you have a problem with the  
9 way the health providers either provided treatment to her or  
10 their assessments of her, is that a fair statement?

11 A Yes.

12 Q Okay. So you have a problem with the way the  
13 Greater Binghamton Health Center psychologist and therapists  
14 handled Shannon?

15 A I think it all comes back to mental health first in  
16 Norwich and then, yes, Greater Binghamton.

17 Q In reviewing the DSS files, is it a fair statement  
18 that you often complained to Department of Social Services,  
19 Liz Chesebro as well as health care providers through her,  
20 that you personally disagreed with how they were treating  
21 Shannon's mental health care and otherwise?

22 A Yes.

23 Q And you did that pretty routinely?

24 A Yes.

25 Q I mean, you didn't like what they were doing and

Kim Hamilton - Cross

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1 how they were going about doing their business?

2 A Right.

3 Q And, Miss Hamilton, is it fair to say that they,  
4 with all due respect to you, disagreed with your assessment?

5 A Yes, they did.

6 Q And they told you that?

7 A Yes.

8 Q I understand you indicated you have 14 years of  
9 foster care.

10 A Right.

11 Q Do you have a degree in psychology? Have you  
12 worked as a psychologist?

13 A No.

14 Q Have you worked as a social worker?

15 A No.

16 Q Have you worked in the DSS system?

17 A No.

18 Q Is it going too far, Miss Hamilton, to perhaps say  
19 or asking you that your view of Shannon may be from a  
20 layperson's view but their view from a professional  
21 standpoint was a much different analysis of what was wrong  
22 with Shannon?

23 A Yeah.

24 Q I mean, I'm asking you: Is it a fair statement  
25 that there may be a lot of things that are causing Shannon to

Kim Hamilton - Cross

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1 want attention and causing her to act out that you simply  
2 aren't qualified to assess?

3 A That is true. That is true.

4 Q So, for example, when Shannon had this cheerleading  
5 episode, and had this attention-seeking event, is it fair to  
6 say that this may be just a tip of the iceberg of what's  
7 really going on in Shannon's mind as to why she's looking for  
8 attention, what is actually occurring?

9 A It could be, yes.

10 Q Is it possible that that's what these caseworkers  
11 and psychologists had a lot more experience in dealing with  
12 in getting to the root of what's really going on here with  
13 Shannon? Is that fair to say?

14 A That caseworkers in Binghamton?

15 Q The social workers that worked with her in the  
16 Greater Binghamton, health care providers that worked with  
17 her.

18 A Greater Binghamton, I'll say yes, but not her  
19 caseworker.

20 Q You just have a difference of opinion on that?

21 A Yeah.

22 MR. LOVRIC: That's all I have. Thanks, Miss  
23 Hamilton.

24 THE COURT: Okay. Mr. Fischer?

25 MR. FISCHER: Thank you, your Honor.

Kim Hamilton - Cross

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1 CROSS-EXAMINATION

2 BY MR. FISCHER:

3 Q Miss Hamilton, my name's Kelly Fischer. I  
4 represent Mr. Sacco. Can you tell the jury more details  
5 about what Shannon said. She accused you of, in some  
6 fashion, as I understand it, of some sexual misconduct?

7 A Right.

8 Q Can you explain what happened.

9 A Well, she ran away, and apparently she was just  
10 angry at myself and my husband for -- what we got out of her,  
11 she wasn't getting enough attention. So when they came back,  
12 she got attention from the police, she got attention from the  
13 caseworker. She got our attention. And she came back, and  
14 the next day she came up with this letter and stuff. When I  
15 read it, I was like, you've got to be kidding me, you know.  
16 And then, you know, after we found out the truth, I mean, she  
17 apologized right up until the day, you know, she left from  
18 the school.

19 Q The letter, what did it say?

20 A That we beat them every day. We sexually abused  
21 her, physically abused her. We didn't provide for her.

22 Q How long was the letter?

23 A Not very long at all.

24 Q Who wrote the letter, if you know?

25 A I was told it was her and then I was told it was my

Kim Hamilton - Cross

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1 daughter.

2 Q Which daughter? I'm sorry.

3 A Mandy.

4 Q How old was Mandy?

5 A At that time she was 16.

6 Q Did you bring that letter to the attention of any  
7 authorities?

8 A To her caseworker, I did.

9 Q So you addressed it with them?

10 A Yes, I did.

11 Q And at some point, as I understand it, Shannon  
12 recanted, am I correct?

13 A Yes.

14 Q When was that in relation to when she wrote the  
15 letter?

16 A It was immediately.

17 Q And there were other kids living in your house at  
18 the time?

19 A Yes.

20 Q Describe, if you can, please, how it came about  
21 that Shannon recanted.

22 A When the letter -- everybody's name was on there,  
23 and I have children that, one, can't write or, two, that  
24 can't read. And she had them sign their names to this to I  
25 guess -- you know, I guess she was going to turn us in or

1 something. I honestly --

2 Q Well, at some point did you have a conversation  
3 with Shannon where Shannon said, that's not -- that's not  
4 true what I said in the letter?

5 A With the whole group of our kids, and she was the  
6 very last one to admit. She was the last to admit to it.

7 Q Is it fair to say that only when she was confronted  
8 with overwhelming proof that what she was saying in the  
9 letter was false that she finally admitted?

10 A Yes.

11 Q Have you ever testified before?

12 A Nope.

13 Q The birthday party, Shannon's birthday party that  
14 you testified to, you had a conversation with Shannon about  
15 her birthday party?

16 A We were going to the mall, and there was a Best  
17 Western that she saw off to the right, and she said that her  
18 and her mom went there for her birthday and that they invited  
19 the landlord. But he couldn't make it so just her and her  
20 mom stayed at Best Western. I don't know for how long or --  
21 anything like that.

22 Q What was Shannon's demeanor like when she spoke  
23 with you about that incident?

24 A She was -- it was so normal, I mean --

25 Q Did she seem to you happy or sad that Mr. Sacco

Kim Hamilton - Cross

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1 couldn't come to her birthday party?

2 A She was sad that he could not come to her birthday.

3 Q How could you tell that?

4 A Well, she told me that. She told me she was sad he  
5 could not make it to her birthday.

6 Q And this was before Shannon's March 2, 2007  
7 allegations against Mr. Sacco?

8 A Yes.

9 Q Were there other instances when Shannon said things  
10 that you observed to be not true?

11 A Yes. Yes.

12 Q You laugh.

13 A I do laugh, yes.

14 Q Can you explain why?

15 A Some of her stories were really outrageous. Well,  
16 she mentioned of her grandmother and a grandfather, and we  
17 got talking, and she said that her grandfather was in the  
18 hospital and just -- her stories were just outrageous. And  
19 then later on, she would come back and, you know -- the first  
20 story, he had liver problems, and then the second story it --  
21 he was in there with cancer and that she used to visit him  
22 all the time before she came into care. She couldn't  
23 remember his name. She couldn't remember where they lived.  
24 I think there was more to it. But then she -- then she would  
25 talk about her landlord, how he would come out every so often



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1 and he would come down and have dinner with them or she would  
2 sneak upstairs to visit him because her mom did not allow her  
3 to visit him and she would go up there anyways. She would  
4 tell her mom she was going some place and she said she would  
5 go up there. You know, I just -- then to find all this out,  
6 I'm like, I just -- even before, I questioned a lot of things  
7 that Shannon was sharing with us about. Number one, she said  
8 her mom never had food for her. Her mom could not provide a  
9 house for her. Her mom couldn't provide clothing. When  
10 Shannon came into care, in the 14 years I've been there, she  
11 is the only child I did not have to go out and shop for for  
12 clothes. Shannon came with clothes with price tags on them.  
13 Shannon never, in our household -- you know, she told the  
14 caseworker and she told, you know, she didn't have food for  
15 her, all this and that. Shannon always bragged about how her  
16 mom would cook certain things and bake certain things and,  
17 you know, they were always -- she always had enough food and,  
18 you know, they had a place to live and --

19 Q So Shannon on occasion would say that there was no  
20 food but on other occasions would say that there was plenty  
21 of food?

22 A Right. If I made something, she would look, well,  
23 my mom made it such-and-such a way, you know, and they ate  
24 out a lot.

25 Q Okay. When Mr. Lovric asked you some questions, he

Kim Hamilton - Cross

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1 asked you about basically whether you had a problem with the  
2 way that the government worked with Shannon.

3 A M-m h-m-m.

4 Q And it seemed to me that you did have a problem  
5 with that.

6 A I did.

7 MR. LOVRIC: Objection. I didn't state  
8 government.

9 THE COURT: Well, that's true. You were  
10 talking about people who were employed in the social services  
11 field and the health services field.

12 MR. LOVRIC: I realize they worked for the  
13 government.

14 MR. FISCHER: I presumed, your Honor, but I  
15 can rephrase my question.

16 THE COURT: Okay. Try that.

17 BY MR. FISCHER:

18 Q You familiar with Miss Chesebro?

19 A Yes.

20 Q Do you know who she works for?

21 A Yes.

22 Q Who?

23 A DSS of Norwich.

24 Q That's a government agency?

25 A I think so.

Kim Hamilton - Cross

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1 Q You had a problem with the way she handled things?

2 A Not her. Just on some of the things I did because  
3 I felt like she was more Shannon's friend than her  
4 caseworker.

5 Q You've been a foster parent for 14 years, correct?

6 A Yes.

7 Q How many children have you been a foster parent to?

8 A I think we're up to 46 now.

9 Q You've probably -- withdraw that. Have you had  
10 some experiences in foster parenting those 46 children over  
11 the past 14 years that have given you some insight that maybe  
12 a DSS caseworker who's been on the job for a year might not  
13 have?

14 A Yes.

15 Q You had some difficulty with the way that some of  
16 the people who were caring for Shannon took care of her, am I  
17 correct?

18 A Correct.

19 Q What problem did you have with that?

20 A Once again, I felt like the caseworkers in Chenango  
21 County didn't ever want Shannon to go back to her mom. They  
22 always told Shannon her mom could not provide for her. Could  
23 not take care of her. Could not -- just everything, could  
24 not, could not, could not. And then when she cut herself,  
25 maybe it's wrong for me to say, but I think they were very

Kim Hamilton - Cross

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1 happy that something like that happened so --

2 MR. LOVRIC: Objection.

3 THE COURT: Sustained.

4 Q Shannon cut herself in October of 2007, does that  
5 sound right?

6 A It could be. I -- honestly, I've had numerous  
7 children in and out so --

8 Q At some point Shannon was removed from your home  
9 and placed at the Greater Binghamton Health Center?

10 A Yes.

11 Q When in relation to that placement are you talking  
12 about with respect to Shannon cutting herself, soon before  
13 or --

14 A She cut right before that.

15 Q Okay.

16 A That's why she ended up down there.

17 Q When Shannon was in your care from say late  
18 February 2007 until October of 2007, was Shannon being given  
19 medications?

20 A No.

21 Q You mentioned some things that you saw Shannon  
22 speak about that appeared to you not to be true?

23 A Right.

24 Q Do you have other examples of, say, flights of  
25 fancy that Shannon engaged in?

Kim Hamilton - Cross

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1           A     Well, I had to supervise the phone calls between  
2 her and her mom, and if we went some place and if she was  
3 talking to my family or some friends and stuff, they would  
4 come back to me and say, Shannon said such-and-such, I was  
5 like, I'm on the other phone and she never did, and Linda  
6 never said anything wrong or inappropriate or anything like  
7 that to Shannon while being on the phone. Never talked about  
8 the landlord. Never talked about -- you know, everything was  
9 fine.

10          Q     Shannon, when she was on the phone with her mom  
11 during these calls that you supervised, would lie to her mom?

12          A     She wouldn't lie to her mom. She would lie to my  
13 family or if we went out to events and stuff, and she always  
14 met somebody like a friend or whatever, you know. And like  
15 she belonged to the Y camp, and she came home -- I guess she  
16 met this boy Casey, and she came back and one day -- one day,  
17 he beat me. I was like, he beat you at Y camp? Yeah, he's  
18 so mean. I was like, um. So I called, and there was no  
19 beating and, you know, apparently he wasn't even there. And  
20 so she switched jobs. It was a volunteer thing she did. So  
21 she switched jobs to stay at the job, to work in child care  
22 there. But then I was very uncomfortable because she fell in  
23 love with an EMS guy. She really adored him.

24          Q     This was during the time that she was living in  
25 your home --

Kim Hamilton - Cross

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1 A Yes.

2 Q -- as a foster child?

3 A Yes.

4 Q What time of year was it that that occurred?

5 A During the summer break. I think it started like  
6 in July and August it was.

7 MR. FISCHER: All right. Thank you, Miss  
8 Hamilton. Those are all the questions I have.

9 THE COURT: Miss Peebles?

10 MISS PEEBLES: No questions. Thank you.

11 THE COURT: Mr. Lovric.

12 MR. LOVRIC: I have a few questions, Judge.

13 RECROSS-EXAMINATION

14 BY MR. LOVRIC:

15 Q Miss Hamilton, you just indicated to Mr. Fischer  
16 that your daughter Mandy was one of the authors of that  
17 letter?

18 A Yes.

19 Q In fact, you found that out later, that Mandy was  
20 the one that wrote that letter?

21 A I don't know to this day actually who wrote the  
22 letter. I know that my daughter Mandy cannot spell correctly  
23 at all. And everything was spelt perfect, handwritten.

24 Q Mandy is -- Mandy was 16 years old at the time?

25 A Yes.

1 Q And in fact, your daughter Mandy was somebody that  
2 had made false accusations before about a sexual abuse, is  
3 that right?

4 A Yes.

5 Q In fact, she had lied about a certain boy having  
6 sexually molested her, is that right?

7 A Yes.

8 Q And the police investigated that, the Norwich PD?

9 A Yes.

10 Q And they actually found out that Mandy had lied and  
11 she confessed to lying?

12 A Yes, she did.

13 Q And in fact, the Norwich PD arrested Mandy, right?

14 A Yes, they did.

15 Q She was charged with filing a false report?

16 A Yes.

17 Q And in fact, do you remember who the investigator  
18 was that investigated that?

19 A I don't.

20 Q Would it refresh your recollection if I told you it  
21 was Detective Patrick Blenis?

22 A Yep.

23 Q Investigator Blenis actually responded, interviewed  
24 Mandy when she first made the allegations, and then within  
25 about two days he resolved the case and that Mandy had lied,

1 and she was then arrested, and he called you and told you  
2 that?

3 A Yes.

4 Q And Mandy was the one that was with this group of  
5 kids at your house that got together and made these  
6 allegations against you, is that right?

7 A Mandy was with Shannon. The other -- the other  
8 children were not with them when they wrote the letter.

9 Q Well, Miss Hamilton, correct me if I'm wrong. It  
10 seems to me that your assessment is that Shannon is the root  
11 of all the problems with these kids. Am I getting that  
12 right?

13 A No. Just the one letter; that was the only problem  
14 that she included all the children with.

15 Q Well, how do you know Mandy wasn't the instigator  
16 in that and got all the other children involved and then  
17 Shannon took the fall for it?

18 A Well, because once again, Shannon said she wrote  
19 the letter.

20 Q Well, DSS at some point came in and investigated  
21 that -- if you want to call it an allegation, right, the  
22 allegation about you and your husband were involved in  
23 beating the kids or any kind of touching, and they quickly  
24 determined that was not just the case?

25 A Right.



Kim Hamilton - Recross

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1 Q Isn't that right?

2 A Right.

3 Q And DSS in fact determined and they told you that  
4 it was Mandy that was behind the force of all the kids saying  
5 this?

6 A I don't recall.

7 MR. FISCHER: Your Honor, I object.

8 THE COURT: Sustained.

9 Q You didn't have that impression at all in your  
10 mind?

11 A Not at all, no.

12 Q You had no such belief in your mind?

13 A No.

14 Q Were you angry with DSS when they came in to  
15 examine this allegation?

16 A No.

17 Q You weren't at all upset with them?

18 A Not with DSS, no.

19 Q The way they handled it?

20 A I don't think so, no.

21 Q You didn't have any kind of bad feelings about the  
22 fact that they maybe took this a little bit more serious than  
23 you would think they should have?

24 A No.

25 Q You had no knowledge whatsoever as far as Mandy

1 being the person that started this whole thing?

2 A I don't believe Mandy started the whole thing.

3 Q Well, Mandy's the one that lied about somebody  
4 having sexually assaulted her, isn't that true?

5 A That is true. Shannon also lied about other people  
6 also.

7 Q Shannon lied about things that her mother cooked or  
8 didn't or food. I mean, when you confronted Shannon about  
9 this thing that she and the other kids got involved in, she  
10 fessed up, it wasn't like she went on for months and months  
11 and saying, oh, no, you really did this, did she?

12 A No, she didn't.

13 Q I guess, Miss Hamilton, I'm just trying to find out  
14 from you, do you have a certain bent on Shannon?

15 A No, I don't. I wanted Shannon to come back and  
16 live with us from the Greater Binghamton.

17 Q And it was the Greater Binghamton health care  
18 providers that actually put a kibosh on that, is that  
19 correct?

20 A That is correct. Well, then they had spoken to me,  
21 because I'm not a therapeutic foster home, and they said that  
22 I could always have contact with Shannon, and I discussed it  
23 with my husband. I believe that we could have worked and  
24 stayed in touch with Shannon if we wanted to. But I have  
25 other children, and I don't want those other children to be

1 exposed to the lies and -- any more than I have one daughter  
2 that did do it to me and, you know --

3 Q You've had foster kids before that have lied?

4 A Oh, yeah, but not like I feel like Shannon is now.

5 Q I'm sorry?

6 A Not like I feel like Shannon has done now to her  
7 mom.

8 Q Miss Hamilton, what is it you're talking about?  
9 You don't think Miss O'Connor sexually abused Shannon so  
10 that's why you're here saying, I think this is a lie?

11 A I don't know if she did or not, but Shannon never  
12 mentioned it.

13 Q She never mentioned it to you, but she mentioned it  
14 to a schoolteacher; were you aware of that?

15 MISS PEEBLES: Objection. Objection.

16 THE COURT: Overruled.

17 MISS PEEBLES: That assumes facts not in  
18 evidence.

19 THE COURT: Overruled.

20 A The teacher, yes. I do know about the teacher.

21 Q And she told Liz Chesebro about it?

22 A M-m h-m-m.

23 Q But you're here testifying and saying you  
24 personally don't believe Shannon is telling the truth when  
25 she says that Miss O'Connor and Dean Sacco sexually abused

Kim Hamilton - Recross

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1 her, is that your --

2 A I wouldn't go as far as saying Dean. Her mom, in  
3 my heart, from the time Shannon lived with me, I -- I, in  
4 being a mother, I guess all I could -- Shannon was never,  
5 ever against her mom. I mean, minor things that all kids do  
6 against their parents.

7 Q Miss Hamilton, my question was: Do you, as you sit  
8 there right now, believe that this person, Miss O'Connor,  
9 sexually abused her daughter, Shannon?

10 A No, I don't.

11 Q And you base that on what?

12 A I guess I can base it on Shannon didn't say  
13 anything. She didn't, so --

14 Q So if she had been sexually abused, you think she  
15 was --

16 MR. FISCHER: I think she was interrupted in  
17 giving her response to the question and ask she be permitted  
18 to answer the question.

19 THE COURT: If there was something else you  
20 wanted to add, you may add it. Do you recall?

21 THE WITNESS: I don't recall.

22 THE COURT: Okay.

23 BY MR. LOVRIC:

24 Q So if I have it right, Miss Hamilton, you believe  
25 personally that if Shannon had been sexually abused by her

1 mother, she would have told you?

2 A Yes.

3 Q And because she didn't tell you, therefore you've  
4 come to the conclusion it's not accurate and she's making it  
5 all up?

6 A I wouldn't say she's making it all up.

7 Q Well, which part --

8 A I would say she puts a lot more into it.

9 Q You don't believe Shannon is telling the truth  
10 about her mother sexually abusing her?

11 A I think Shannon down in Greater Binghamton had  
12 enough medication into her to make her say things that are  
13 untrue.

14 Q And you base that on what?

15 A From talking to Shannon on the phone, seeing  
16 Shannon down in Binghamton. She was not the same child that  
17 came into our house. She was so zoned out, she couldn't  
18 remember what happened the day before.

19 Q And you're an expert in what?

20 A I'm an expert at being a mother and a foster  
21 parent.

22 Q You're an expert in determination of treating  
23 sexual abuse victims by what standard?

24 A I'm not an expert in that.

25 Q Do you have any information or knowledge about how

1 children who are sexually abused by parents disclose?

2 A I do have to take classes, I do take classes every  
3 year for many different things, for children with many  
4 different problems. I have to sit and take classes, I do, to  
5 be trained.

6 Q But your layperson opinion is simply that you don't  
7 believe her.

8 A I don't believe everything that Shannon is saying  
9 about her mom. With the landlord, if it's true, it's true.

10 Q How do you distinguish between what she says --  
11 what you think she said about the landlord versus the mother?

12 A Because I never got the feeling from Shannon that  
13 her mom ever did anything wrong.

14 Q Well, she never told you that Dean Sacco raped her,  
15 did she?

16 A No, she didn't.

17 Q Well, then how is it that you don't believe that  
18 part of it as well?

19 A Because when DSS said that Shannon had talked about  
20 Dean --

21 Q Yeah.

22 A -- then all of that came out, but her mother was  
23 always there to protect her. Shannon always said that her  
24 mom would protect her. If she did not sneak out of the house  
25 and stuff to see the landlord, things might not have

1 happened.

2 Q You assumed that her mother was there to protect  
3 her based on snippets of information that Shannon gave you,  
4 is that correct?

5 A Correct.

6 Q I asked you all those things about whether you were  
7 aware of things that happened with her mother, and you  
8 weren't aware of any of those things.

9 A I didn't know about a lot -- I don't know about a  
10 lot of stuff that went on. I don't know anything about what  
11 happened with Dean.

12 Q You don't know anything about what happened with  
13 anybody; you're just making these things up in your own head  
14 and saying, I don't think so, I don't think so.

15 A That is not true.

16 MISS PEEBLES: Objection.

17 THE COURT: Sustained.

18 MR. LOVRIC: That's all I have, Miss Hamilton.

19 THE COURT: Mr. Fischer?

20 MR. FISCHER: Thank you, your Honor, yes.

21 RECROSS-EXAMINATION

22 BY MR. FISCHER:

23 Q Ma'am, in response to Mr. Lovric's question, he  
24 mentioned snippets of information. Let me ask you this:  
25 Between February of 2007 and October of 2007, how much time

1 on say a weekly basis would you spend around Shannon?

2 A I was around Shannon and she was around us all the  
3 time except when she was in school or when she was  
4 volunteering in the summertime, and then that was for only  
5 two hours a day so --

6 Q How frequently would DSS personnel get involved in  
7 interviewing Shannon during that time?

8 A Not often.

9 Q During that time you had an opportunity to observe  
10 Shannon's comportment, her demeanor --

11 A Yes.

12 Q -- and make assessments of her credibility during  
13 that time?

14 A M-m h-m-m.

15 Q The incident involving your daughter Mandy, Mandy  
16 made a false accusation, am I correct?

17 A Yes, she did.

18 Q Do you remember approximately when that was?

19 A I don't. It was I think in July.

20 Q Summertime 2007?

21 A It could be. It was Gus Macker, so I think it was  
22 July.

23 Q This is when Shannon's living in your home?

24 A Yes.

25 Q With Mandy?



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1 A Yes.

2 Q And Mandy was prosecuted for that?

3 A Yes.

4 Q Shannon was aware that Mandy was being prosecuted  
5 for making a false statement, am I correct?

6 A Yes.

7 Q And after that, Shannon did not recant and say, no,  
8 those things that I said were not true, did she?

9 A Right.

10 MR. FISCHER: Those are all the questions I  
11 have. Thank you.

12 THE COURT: Miss Peebles.

13 MISS PEEBLES: No further questions.

14 THE COURT: Mr. Lovric.

15 MR. LOVRIC: I have nothing further, Judge.

16 THE COURT: Okay. Thank you, Miss Hamilton.  
17 You may step down, ma'am.

18 THE WITNESS: Thank you.

19 (Witness excused)

20 THE COURT: Ladies and gentlemen, we're going  
21 to ask you to step aside for just a moment and then we'll  
22 bring you back and tell you what's going to happen next.

23 (Jury excused)

24 THE COURT: Miss Peebles, do you have any  
25 further evidence to present for us?

1                   MISS PEEBLES: No, your Honor. At this time  
2 the defense on behalf of Mrs. O'Connor would rest.

3                   THE COURT: All right. Miss O'Connor, you  
4 realize that it's your privilege if you so choose to take the  
5 witness stand and testify. Of course you don't have to. I  
6 think that's been explained pretty much as we went along. I  
7 want to make sure you know you have the right to testify if  
8 you so choose. Do you wish to testify?

9                   DEFENDANT O'CONNOR: No, sir.

10                  THE COURT: All right. Then what do you  
11 think, Mr. Lovric? We can't start one of your summations at  
12 this point probably. I mean, you're going to go past 12:30.

13                  MR. LOVRIC: If we are breaking at 12:30, I  
14 will -- Judge, I'm happy to start if you'd like. I'm ready  
15 to go.

16                  THE COURT: So there's no rebuttal evidence,  
17 as I understand that.

18                  MR. LOVRIC: That's correct, Judge.

19                  THE COURT: There's no evidence further from  
20 you, Mr. Fischer?

21                  MR. FISCHER: No, your Honor.

22                  THE COURT: So the evidence is closed. The  
23 Court will reserve on all motions, right to make motions.  
24 Well, I guess we could start if it doesn't bother you we  
25 interrupt and then we have some more after lunch. Is that a

1 problem for you?

2 MR. LOVRIC: That's not a problem. In fact,  
3 after lunch sometime I'll need to hook up my laptop anyway.  
4 So that will work out fine.

5 MR. FISCHER: Your Honor, may I -- I don't  
6 know whether we need to address the question of law  
7 concerning the dominant purpose issues before --

8 THE COURT: We do. That's right. Let's  
9 take -- come back to chambers and I'll get that for you.  
10 Thanks for reminding me. Forgot it.

11 (In chambers)

12 THE COURT: Two matters have been changed. We  
13 discussed the one involving defendant's motivation for coming  
14 up here.

15 There has to be the words dominant motivation  
16 as that one Second Circuit case we discussed seemed to imply,  
17 but an analysis of case law in other circuits, including the  
18 Second Circuit as well as Supreme Court cases, we've come up  
19 with language that we think is the correct statement of law,  
20 and it reads as follows, Mr. Fischer:

21 The second element requires the government to  
22 prove that one of the motives or purposes for the travel was  
23 to engage in illicit sexual conduct with another person. The  
24 government must show that one of the defendant's motivating  
25 purposes for traveling across state lines was for engaging in

1 sexual activity with a minor. While the government need not  
2 show that the illegal sexual conduct was the sole or only  
3 purpose for the trip, it is not enough if you find that the  
4 illegal sexual conduct was merely incidental to the travel.

5 That came from that Second Circuit case. You  
6 remember that?

7 MR. FISCHER: Yes, I do.

8 THE COURT: You want to take exception to  
9 that?

10 MR. FISCHER: No. I would request the  
11 dominant purpose language, and I guess to that extent I do  
12 need to take an exception.

13 THE COURT: Sure. You should.

14 MR. FISCHER: Okay. That's it.

15 THE COURT: Everybody asked for something on  
16 the transfer of the person.

17 The second element requires that the  
18 government prove that Defendant O'Connor sold or otherwise  
19 transferred custody or control over Shannon O'Connor to  
20 defendant Dean Sacco. The term transfer has its ordinary,  
21 everyday meaning. This includes causing custody or control  
22 to pass from one to another, handing over custody or control  
23 or otherwise causing custody or control to be passed on or  
24 handed over to another.

25 So really, it's just kind of common sense

1 stuff.

2 Anything further before we start, do you  
3 think?

4 MR. LOVRIC: No.

5 MR. FISCHER: No, I don't think so.

6 MISS PEEBLES: No.

7 (Discussion held off the record)

8 (Jury present)

9 THE COURT: All right, ladies and gentlemen.  
10 The evidence in the case is before you, and at this time it  
11 becomes appropriate that the attorneys address you with their  
12 closing arguments. Now, they're also called summations. The  
13 closing argument is just like the opening argument; it's not  
14 evidence. You heard the evidence from the witnesses and you  
15 have the exhibits that you'll be able to take back to the  
16 jury room to use in any way you see fit. So what the lawyers  
17 are going to try to do now is to persuade you, from the point  
18 of view of their clients, what they feel you should find the  
19 facts to be. And once again, it's not evidence. It's  
20 argument or persuasion. If it helps you, take advantage of  
21 it. If it doesn't, just your own good common sense and  
22 decide the case based upon the evidence and the law.

23 And in the federal system, the prosecutor goes  
24 first, then defense counsel sums up for you, and the  
25 prosecutor then has a rebuttal summation, which is supposed

1 to be short. If not, it will come at the end of summations.

2 We're going to start now with Mr. Lovric and  
3 we're going to break in about 15 to 20 minutes. I have a 1  
4 and 1:30, and we'll come back right after that and continue  
5 with the summations.

6 So, Mr. Lovric, are you prepared to address  
7 the jury?

8 MR. LOVRIC: Yes, I am, Judge.

9 THE COURT: Okay. You may do that.

10 MR. LOVRIC: May it please the Court, ladies  
11 and gentlemen: I want to take a little time and it's going  
12 to take obviously after lunchtime to talk with you and go  
13 through what I want to piece together for you as far as what  
14 I submit all of the evidence shows to you.

15 Now I want to talk about a couple of things on  
16 the front end, and the first thing I do want to tell you, and  
17 I think speak for all of us here, we do really thank you. We  
18 are grateful. We usually don't say that. You've taken about  
19 four weeks of your life. You've sat here very attentive,  
20 you've listened, and you've performed what is probably one of  
21 the greatest duties of our civic society. So we don't  
22 overlook that. We don't -- you know, you're not just potted  
23 plants here, obviously, but I think all of us want to make  
24 sure that you recognize that we recognize how important a  
25 service you provide and we look at it, the criminal justice

1 system could not function without you. This decision is not  
2 going to be made by me or Judge McAvoy or the defense  
3 attorneys. You're going to make the decision. And  
4 thankfully, it won't be made by Miss Hamilton, who I'll  
5 address in a few minutes. This is your decision. You're  
6 going to decide whether these defendants are guilty or not  
7 guilty of these crimes. That's the way it should be, because  
8 you have been chosen as impartial people from the community  
9 with good common sense, and you're going to apply that good,  
10 as I call it, horse sense and come to a decision. So, I  
11 don't say it lightly when I say, thank you for all the time  
12 you put into it and thank you for the four, almost four weeks  
13 now that you've been sitting here.

14 The one thing I do want to tell you right up  
15 front is the little bit that you got to know me, which is  
16 very little, I don't beat around the bush. I'm going to tell  
17 you exactly what I believe the evidence shows you and I'm  
18 going to tell you exactly why I submit that's what the  
19 evidence shows you. I'm not going to beat around and try to  
20 say things without saying them. I don't work that way. I'm  
21 going to tell you exactly what I see and what I believe it  
22 shows, and it will be for you to determine whether you  
23 believe that's valid or if it makes sense or if, using your  
24 logic, that squares with your view of the evidence. But the  
25 one thing you're going to find in this summation is, I'm

1 going to be very direct.

2 And with that, I'm going to start with Miss  
3 Hamilton, who was the last witness. Before Miss Hamilton  
4 testified, as you can probably imagine, all of us here have a  
5 fairly good idea of what most witnesses are going to say, and  
6 the way you can kind of figure that one out is, there are  
7 some reports and documents, and guess what, we all have them,  
8 and you saw a lot of those things floating around and passed  
9 around and witnesses being asked about. So before Miss  
10 Hamilton testified, I had a pretty good idea of what I  
11 thought she would say.

12 Now I'm going to submit to you, here's what  
13 happened with Miss Hamilton's testimony. And I really didn't  
14 get this until at the end part of it. She came here with an  
15 ax to grind, unfortunately. Do I submit to you or am I  
16 telling you that Miss Hamilton is a bad person? Absolutely  
17 not. Miss Hamilton is one of many people out there that  
18 performs an invaluable service. She's a foster parent. She  
19 takes kids that otherwise are falling off the edges of the  
20 earth, takes kids that society has otherwise lost. So is she  
21 a bad person? No. But what I do submit to you is, I  
22 think -- and I submit, if you look at it, Miss Hamilton came  
23 in here, unfortunately, with an edge and an ax, and that has  
24 clouded her judgment and, more importantly, I submit to you,  
25 has clouded her recitation of how she observed things and



1 what she observed.

2 Miss Hamilton, in her lay opinion, however  
3 that may be, has come to the conclusion that Linda O'Connor  
4 is innocent. Miss Hamilton, based on what I asked her, with  
5 really nothing more than her gut and feelings as a foster  
6 parent, does not believe that Linda O'Connor sexually abused  
7 Shannon, and she has made that decision in her mind. And  
8 there is nobody on this planet that will move her from that.  
9 And she's entitled to that. That's her personal opinion.  
10 But in here, it's really irrelevant. And why does it come up  
11 in here? Well, the reason I brought it out when it finally  
12 dawned on me, hit me, that is really what's driving her. The  
13 reason it was important to get that out is because that's  
14 what's driving her perceptions of Shannon. And that's what's  
15 driving some of the things that she is now saying she  
16 observed or believed of Shannon. And I submit to you,  
17 unfortunately, Miss Hamilton butted heads with DSS. She  
18 butted heads with the Greater Binghamton psychologist and  
19 caseworkers, all of whom, if you sit back and you step back,  
20 are light years more experienced and knowledgeable on how to  
21 treat children who have been sexually abused. It seems to  
22 me, from what Miss Hamilton said, she is kind of annoyed that  
23 Shannon didn't confide in her. Didn't tell her, Dean Sacco  
24 has been raping me and my mother has been sexually abusing  
25 me. See, she has somehow taken that on and saying, well, if

1 it really happened, we had such a close relationship of  
2 sorts, she would have told me this, and she didn't. And  
3 because of that, Miss Hamilton, I submit to you, has come in  
4 with a skewed hindsight view of Shannon.

5 Now I'm going to talk about Shannon later on.  
6 Shannon is not a perfect kid. And I'm going to go through  
7 and explain to you what I submit has happened to Shannon.  
8 And as she sits here, wherever she sits today, and as she sat  
9 here in court, is Shannon your model child? Absolutely not.  
10 There are a lot of issues with Shannon and a lot of problems,  
11 and I'm going to go through those with you, what Miss  
12 Hamilton I believe has projected this aura of what Shannon  
13 was like and what she was about in hindsight after Miss  
14 Hamilton, who wanted to adopt Shannon at one point -- you  
15 heard Liz Chesebro tell you that, if you go back in your  
16 notes, and Miss Hamilton wanted that to happen. And who  
17 really put the kibosh on that? Well, she started to even  
18 tell you here, it was DSS and GBHC, the health center that  
19 stopped, said, that's not going to work, adoption of Shannon  
20 in her state and her issues is not going to be a possibility,  
21 and she didn't like that. She didn't like to hear that. She  
22 told you, she's adopted three of her six foster children.  
23 You know what, I really don't like doing this, because that  
24 is wonderful. That is terrific. But for her to come in here  
25 and based on her personal, lay opinion, that she doesn't

1 think that that person is guilty of sex abuse and could not  
2 have done it, and then to try to make it sound like really  
3 Shannon lies about a lot of things, you know what, show me  
4 one kid out there -- show me one adult out there that doesn't  
5 lie on a routine basis. You've got to ask yourself the  
6 question, what do they lie about and how long do they lie  
7 about it and under what conditions do they continue to lie  
8 about it? We're going to discuss those things.

9 But Miss Hamilton came here today with an ax  
10 and with a skewed, ticked-off view of how she was treated  
11 through the DSS system and the Greater Binghamton Health  
12 Center. And that's the problem. That whole thing with that  
13 note and what those kids did, if you go back, you'll remember  
14 that Liz Chesebro was actually asked about that by I think  
15 Miss Peebles, about this event that happened at the Hamilton  
16 house. And if you also go back, you'll also notice nobody  
17 asked Shannon about this event. Not Mr. Sacco, not Miss  
18 O'Connor. They didn't want to give Shannon the opportunity  
19 to talk about this. So what you do is you find it out  
20 through Miss Hamilton, and really what you find is that  
21 Mandy, her daughter, had accused someone falsely of sex abuse  
22 and Detective Blenis, the same investigator you saw,  
23 investigated that matter and found it to be false within a  
24 couple of days and arrested Mandy and charged her for it.  
25 And I submit to you, Miss Hamilton is a little burned up over

1 that, that her daughter gets arrested and charged over maybe  
2 something that she thought should have just been bygones and  
3 bygones, kids tell lies they fib. Once they got -- why are  
4 you going to prosecute, why are you going to arrest this  
5 person, regardless whether she's prosecuted. So that's the  
6 genesis of this problem. And when I started to poke around  
7 and ask Miss Hamilton, really wasn't it Mandy who came up  
8 with this crazy thing -- because if you remember, Mandy's the  
9 first one that got Shannon to run away with her on this  
10 event. How do you know that? Well, Liz Chesebro told Miss  
11 Peebles that when Miss Peebles cross-examined her. And  
12 really it was Mandy that was the instigator in that runaway  
13 thing and Shannon kind of tagged along, went along. Not that  
14 Shannon is -- is to be excused for that, but that's really  
15 what went on behind the scenes here. And then I submit to  
16 you what you probably find is, if you look really deep and  
17 hard, is Mandy's the one that got all these kids, because now  
18 Mandy is ticked off at Miss Hamilton for calling the police  
19 on her and Shannon after they ran away to this bowling alley.  
20 And so Mandy, 16 years old, who's already had sex with a  
21 person that she accused falsely of a forceable rape, is  
22 really the one that's kind of driving the ship. But you know  
23 what, I didn't push it because I think it's crystal clear.  
24 Miss Hamilton, nice person, nice lady, I think is being  
25 driven by her own personal view of what she thinks happened

1 here and her own personal assessment that if Shannon really  
2 was abused by her mother and by the landlord, she would have  
3 told her first. I think that bothers her. And that being  
4 said, folks, that's what I submit to you is the assessment of  
5 Miss Hamilton and what happened here.

6 Let me talk about Shannon. If you remember  
7 Renee Lang, Renee Lang talked about when Shannon was a young  
8 girl. She talked about her and said, you know, she was a  
9 beautiful little kid. She played with her dolls, she was  
10 just a regular kid. Just a regular girl. And Miss Lang was  
11 talking about things that she observed Shannon when she was  
12 about 8 years old, 9 years old over at Pine Street when they  
13 first became reacquainted. Shannon was just an innocent  
14 little kid. If you go back and you look at the little bits  
15 and pieces of what you know about Shannon, she is like  
16 everybody's kid. She was no different than any other kid  
17 that you may encounter in your own families or in your  
18 neighborhood. She was just this little, as I put it, this  
19 little crystal statue that God created, just like every  
20 little kid. They look perfect. Nothing wrong with them.  
21 Think of kids when they're 5 years old, 4 years old. Kids  
22 are not born deviant. Kids are not born criminals. You  
23 know, sometimes in my line of work we sometimes say, nobody  
24 ever grows up as a kid saying, I want to be a sexual  
25 predator. I want to be a drug dealer. I want to be a bank

1 robber. I want to be a homicidal maniac who kills somebody  
2 for no reason. What happens to those beautiful little kids?  
3 Well, two things happen to them: family and society. And  
4 those two forces change those beautiful little kids.

5 And that's what happened to Shannon. Shannon  
6 was changed from the time that she was a beautiful little kid  
7 by a couple of different people, and two of those people are  
8 sitting in this courtroom: Mr. Sacco, Miss O'Connor.

9 I'll tell you another thing. I told you, I  
10 don't pull punches. If Mr. Lang was alive today, he'd be  
11 sitting right in the middle there. And if I could find or if  
12 Agent Lyons could find those two men at the Best Western,  
13 they'd be sitting at either side of Miss O'Connor and Mr.  
14 Sacco. Those people are the ones that destroyed Shannon.  
15 Those are the people, Mr. Sacco, Miss O'Connor, that  
16 shattered that beautiful piece of artwork. They raped her,  
17 they sexually abused her. They molested her. Shannon  
18 O'Connor was sexually molested by her own mother for a period  
19 of years.

20 Now, when Shannon O'Connor appeared to testify  
21 before you, that's her today. Is she perfect? Absolutely  
22 not. Does she have scars? Absolutely. Shannon has been  
23 smashed, her heart and her soul, so many times, you  
24 literally -- if you look at her, you can see the cracks in  
25 Shannon. You can see how she's been just dropped. Dropped

1 and crushed. And then reglued again. How was she reglued by  
2 her own mother? Her own mother does things, come back and  
3 bring her and put her back together again. Her mother, by  
4 buying her things, by guilt-tripping her, by putting all  
5 sorts of pressures on a little kid, her mother keeps gluing  
6 that glass Hummel, if you want, to put it together again. So  
7 today, when Shannon -- I don't mean today; figuratively, when  
8 she appeared to testify, Shannon is what she is. But you've  
9 got to ask yourselves, how did she get there? What made her  
10 that way? Who is responsible for the way she is today? And  
11 these two defendants here are part of the people involved in  
12 breaking her. They stomped on her soul. They stomped on her  
13 heart. Linda O'Connor molested Shannon. She then went on to  
14 allowing other men to molest her. She then engaged in sex  
15 with Shannon with George Lang, with Dean Sacco. She pimped  
16 her out for money.

17 And my point to all of this is: They broke  
18 her and smashed her and reglued her, and then they have the  
19 audacity, which they will when they sum up, to argue to you  
20 that you should not believe her because she is so damaged.  
21 You should not believe her because she is so flawed. You  
22 should not believe her because she has mental issues. She  
23 has psychological problems. You shouldn't believe her  
24 because she is not that perfect little girl testifying and  
25 telling you these things. You shouldn't believe her because

1 she's told lies in the past.

2           Ask yourselves this question: What would you  
3 expect a little girl at the age of 10, 11 and 12 to be like  
4 after being molested by her mother? Think about it. Step  
5 back out of your own body and say to yourself, what do you  
6 personally think a kid would end up being if their mother  
7 began to come to the bathroom at the age of 10? This little  
8 girl is 10 years old and her mother starts coming in and  
9 rubbing her vagina, rubbing her breasts. She then takes her  
10 into the bedroom. What do you think happens to a little girl  
11 when that happens to her? What do you expect that person to  
12 start to grow up as? And then I want you to ask yourself  
13 another question: What would have happened if Shannon got on  
14 the stand here and she's perfect? Never been to a  
15 psychologist. Never had any therapy. No nightmares. No  
16 voices. No nothing. She's perfect. Those folks over there  
17 would say, you've got to be out of your mind. This kid was  
18 raped, molested, repeatedly and nothing's wrong with her?  
19 They would argue just the opposite to you. And you,  
20 rightfully so, would probably say, how can that be? How can  
21 you be subjected to something like that and not have fallout?  
22 Not have things that showed that you have gone through hell  
23 and back? And that would be a legitimate issue and a  
24 legitimate concern.

25           What would you expect of a child that went



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1 through what Shannon described to you to be like today? I  
2 submit to you, it is a miracle and it's an absolute miracle  
3 that she's alive, let alone able to tell you what happened,  
4 let alone able to muster up the courage. How much courage do  
5 you think it took for Shannon to disclose about what her  
6 mother did to her? This is not something that you disclose  
7 lightly. It's not something that you just say, well, yeah  
8 when I was 10, my mother started rubbing me. Imagine how  
9 much energy and how much strength it took and then imagine  
10 how much strength it took for her to get up on the stand and  
11 describe these things to a bunch of strangers, to the media  
12 as they printed in the paper every day, and for her to stick  
13 with coming in and saying, I'm going to tell it, I'm going to  
14 finally tell everybody?

15 THE COURT: Okay. We're going to take a break  
16 now. It's about 20 minutes to 1. We'll see you back at 20  
17 minutes to 2 and we'll begin then.

18 (Lunch break taken)

19 (Jury present)

20 THE COURT: All right, Mr. Lovric, you  
21 prepared to continue?

22 MR. LOVRIC: Yes, Judge.

23 THE COURT: You may do that.

24 MR. LOVRIC: Ladies and gentlemen, I put on  
25 the monitor -- Do you have a picture on your monitors? I put

1 on the monitor one of the three photographs that I introduced  
2 into evidence of Shannon. And when I left off with you  
3 before lunchtime, I was talking about this notion of how  
4 Shannon appears today and when she testified before you and  
5 how that is consistent with everything that has been done to  
6 her and has happened to her.

7 If you remember, I talked about how unusual it  
8 would be and how, rightfully so, we'd all probably step back  
9 and say, you know, there's something wrong if she presented  
10 herself as being completely normal and completely well  
11 adapted to society and not have any kind of fallout issues or  
12 problems.

13 And so you look at this case, one of the  
14 things that I do ask yourself -- ask you to ask yourself is,  
15 is: What I, meaning you the juror, is what you saw of  
16 Shannon and how she presented, is that consistent or  
17 inconsistent with a child at the ages of 10, 11, 12, and 13  
18 who has been horrifically raped and sexually abused? Because  
19 that answer, if you look at it, and that analysis, if you  
20 look at it, can help you to determine, is this consistent to  
21 what you and your common sense would expect to find, and that  
22 nobody can lie to you about, or hide from you or in some way  
23 paint it a different picture.

24 Shannon, I think you'll find, all of us  
25 probably, if we agree on anything in this courtroom, is that

1 Shannon has a cartload of issues and problems that she's  
2 facing emotionally; psychological, even physical issues. And  
3 then you've got to ask yourself: Why? Why does she have all  
4 these? She didn't have anything prior to Norwich, New York.  
5 You can bet your bottom dollar, had she had a long history of  
6 either psychological issues or psychiatric issues, you would  
7 have seen records by the truckload if they existed. And in  
8 fact, I think one of the attorneys actually asked either Liz  
9 or Naomi if she had anything like that prior to Norwich? No,  
10 she didn't. Well, that tells you something. That tells you  
11 something about, when does Shannon start to unravel at the  
12 seams? What is going on? Shannon wasn't born this way.  
13 Shannon wasn't put on this earth with all of these issues and  
14 problems. Linda O'Connor did to Shannon things that caused  
15 Shannon to very quickly in her short life become what she is  
16 today. And that, I tell you, is very consistent with all the  
17 things Shannon says were done to her.

18 And the other part of this thing that I'd like  
19 you to focus on, this is what predators and child sex  
20 offenders rely on. If you think back, Renee -- excuse me.  
21 Shannon told you about what George Lang and what Linda  
22 O'Connor told her. If she thought about telling anybody.  
23 Nobody will believe you. Dean Sacco said that to her:  
24 Nobody will believe you. Dean Sacco said a lot of other  
25 things to Shannon, including kill her and stab her and then

1 rape her as she's dying. But that's what sex abusers and sex  
2 offenders count on. They count on the child not telling  
3 anybody because nobody will believe them. And that's what  
4 these two defendants did. They counted on that, and Linda  
5 O'Connor especially counted on that.

6 One of the other things I think presents  
7 itself in this case is the defense, and I think there's this  
8 notion, whether they say it or not, I submit to you, this is  
9 one of the over kind of riding clouds that they did like to,  
10 but in a subtle way perhaps, this notion is that this is  
11 horrific. I mean, think about Linda O'Connor, a mother  
12 sexually abusing her only female child for years. Having  
13 oral sex with her in the bedroom. Having her perform oral  
14 sex on her. It is so horrific, the average mind, the  
15 average person says it can't happen. This doesn't happen. I  
16 imagine at one point in time humanity didn't think incest  
17 happened. It's such a taboo. And part of what I think the  
18 defense would like you to think about is, this is so heinous  
19 a crime, it's inconceivable. It is not possible that one  
20 human being, let alone a parent, could have done this to  
21 their own female child, their only daughter. But, you know,  
22 folks, step back for a minute. Step back into reality and  
23 step back into common sense land. What human beings do to  
24 other human beings -- and we know they do -- sometimes is  
25 absolutely mind boggling. It's horrific. It sometimes

1 denies not just logic and common sense, but we wonder, are we  
2 really humans? How can we do something like that to a human  
3 being? The Holocaust. How do you kill 6 million people and  
4 burn them? It's beyond belief, but it happened. Human  
5 beings did that to human beings. Just because it's horrific,  
6 doesn't mean it didn't happen. Step back on things that  
7 you've learned in your life. Father rapes daughter and then  
8 hangs her to cover up the rape. It happens. It's horrific.  
9 Just because this is horrific and the way Shannon told you  
10 the things that happened, doesn't mean that they didn't  
11 happen. It means we like to think that something like that  
12 could not be done to a child or another human being, but it  
13 happens. Mother drowns five children in the bathtub and then  
14 calls police. That happened. It happens. Don't fall into  
15 the trap of thinking it's so bad, it must not be true.

16 Shannon endured two days of cross-examination  
17 and direct examination in this case. And before that she was  
18 interviewed by law enforcement and she was interviewed by not  
19 only health care providers and psychologists but other  
20 persons who she had to tell these horrific details. And  
21 think about it for a second. Do children lie? Absolutely.  
22 I think we've all caught our kids telling a lie, a fib. Do  
23 they lie about some important things sometimes? Absolutely.  
24 Sometimes the older they get, the better they get at it. But  
25 you know what, folks, if you step back for a second and you

1 say to yourself, let me think about what Shannon said and  
2 what she said happened, you know -- first of all, think about  
3 it. She's not making up, as the defense would like you to  
4 think, she's not lying about something that somebody else  
5 did. Like I saw my mother snorting cocaine or I saw her  
6 distributing cocaine or selling cocaine. I saw her. I saw  
7 them. I saw them. That's not what Shannon's saying.  
8 Shannon is telling you things that she is right in the middle  
9 of. And think how not only difficult but how inconceivable  
10 it is for someone, an adult, for example, to put themselves  
11 into something that they're describing somebody else did but  
12 they are at the center of the action. They're at the center  
13 of the horrific thing that happened. That goes against the  
14 grain of everything every one of us is made of. When we lie  
15 about something, when we make something up, it's always, oh,  
16 I saw him do this. What a bad person he is. Or so-and-so  
17 did this to someone else. But it's almost rare, if not  
18 unheard of, that someone is going to put themselves in the  
19 middle of this thing that was done and lie about it and make  
20 it up when they are the ones that are being sexually  
21 penetrated or abused or raped or molested by their own  
22 parent. That just makes no sense whatsoever and it runs  
23 against the grain of everything that we learned from  
24 childhood on to adulthood and until the day we die.

25 Shannon's sexual abuse, I submit to you,

1 caused a number of things to happen to her. First of all,  
2 take a look at when this started. Okay. It starts at an  
3 early age, when Shannon is still just a child. She starts  
4 around 10 years old. It will be different if this starts  
5 around 16, 17 years old, 18. Children, teenagers at that  
6 point have developed a sense, a good sense of right and  
7 wrong. Seventeen-year-old knows right from wrong,  
8 18-year-olds know when somebody's doing something that's  
9 wrong. Think about it. Think about your own experiences as  
10 a child, 9, 10 years old. What is your parent? They're your  
11 world. The world revolves around you and your family, your  
12 parent. Your parent is there as your security blanket. They  
13 protect you. You place your life in their hands. I remember  
14 as a kid thinking my parents could never die. You don't  
15 think about that when you're 9 or 10 years old. Your mom and  
16 your dad can never die. They can never be hurt. They're  
17 kind of like that force field in Star Wars nothing can come  
18 through. They protect the family. They protect a child.  
19 You have this enormous security blanket around you as a kid,  
20 and that's why you're oblivious to the world as a 9-, 10-,  
21 11-year-old. The world is fine because your parents are the  
22 ones that are shielding all that bad stuff from you.

23 Now imagine what happens to Shannon when that  
24 force field just disappears like somebody blew it out of the  
25 sky. She goes from believing she has a loving mother, a

1 parent that is not going to let anybody harm her, to having a  
2 parent that is doing the harm. Her mother is the predator.  
3 She's taught in school there are those predators out there,  
4 be on the lookout. Don't let them do anything to you. Stay  
5 close to your mom, stay close to your family. What happens  
6 when that occurs to Shannon? All of a sudden her security  
7 blanket, everything is gone. The world is one big nasty  
8 world, including her mother, who is the sexual abuser. She  
9 loses complete trust; that bond between daughter and mom is  
10 gone. She has no trust in anybody. If you can't trust your  
11 own mother, who are you going to trust, as a 10-year-old kid?  
12 It's not like the next door neighbor came and sexually abused  
13 you, you run to your mom, he or she did this to me. Protect  
14 me. It's your own mother that took you into the bedroom and  
15 abused you. Shannon's trust of anything and anybody in the  
16 world collapsed completely. Shannon saw her mom as her  
17 security blanket, and within the first few times of sexual  
18 abuse, Shannon has no idea where security is in the world.  
19 And that's what happens to a sexually abused child at the age  
20 of 10. That's important, because at that age, what is going  
21 on with Shannon? Well, she's just kind of figuring out what  
22 the world is like. Who to trust, who not to trust, right and  
23 wrong. 10 years old, right and wrong, they know the big  
24 things. You know it's wrong to kill someone, it's wrong to  
25 steal. But as far as they can trust who's giving them good



1 moral instructions and good societal norms to follow, that's  
2 basically parents and a few teachers here and there that they  
3 come across in school. And when that is completely knocked  
4 down, Shannon has no idea where and how she fits into the  
5 world and where she's going. And that is why, when this  
6 starts to happen to Shannon, it is completely logical that  
7 she is not only not going to tell anybody, who's she going to  
8 tell? She has nobody. She doesn't even have a father to  
9 tell. She doesn't have an aunt, an uncle. Nobody. Who is  
10 she going to tell? Who does she have that trust relationship  
11 with, to be able to say, Mom is doing stuff to me? She has  
12 nobody. Her mother's her whole world. And to this day,  
13 Shannon struggles with that, and you saw that. To this day  
14 she still loves her mom. Her mom is it. She has nothing  
15 left in the world. Ray O'Connor, whether he's her father or  
16 not, is in prison for a homicide. She has no other family.  
17 She has nothing.

18 And it's under those circumstances that  
19 Shannon goes through those first couple of years sexually  
20 abused by Linda O'Connor. She keeps it quiet. She worries  
21 about her mom. You heard testimony from Shannon. From time  
22 to time Shannon is -- how her mom's health is doing. Shannon  
23 is almost like a caretaker to her mom. She takes on the role  
24 of being a mom to her mom. And in some ways, I submit,  
25 Shannon recognizes that Linda O'Connor's a complete failure

1 as a parent. And Shannon takes on this, I've got to think  
2 about my mom. I can't think about myself. If I tell law  
3 enforcement, I'll lose my mom, figuratively and literally.  
4 They'll be taking her away. They'll arrest her. Shannon  
5 knows what happens to people that sexually abuse children.  
6 You know, she isn't under some delusional thought if her mom  
7 gets a fine and gets a ticket. Give me a break. Shannon  
8 knows exactly what the stakes are here. She knows exactly  
9 what her mom will be facing based upon these actions and this  
10 conduct. But for the longest time Shannon protects her mom.  
11 She doesn't want to tell on her mom. Why? She doesn't want  
12 to lose her mother. She loves her mother, despite all the  
13 things she did to her and with other people to Shannon. And  
14 to this day she is broken over those two competing forces in  
15 her life. Shannon would love nothing more, I submit to you,  
16 than to have all this be able to be made better. She would  
17 like nothing more to go back with her mom and have her mom  
18 change and be different and not be sexually abusing her.  
19 What you saw finally, she's come to the realization that's  
20 not going to happen. In fact, Shannon said to you when they  
21 moved to Norwich and her mother told her things will be  
22 different now, and Shannon took that to mean no more George  
23 Lang abuse. No more sexual abuse. We will start anew.

24 The person that Shannon is today, I submit to  
25 you, she's a direct reflection of Linda O'Connor. Wherever

1 you saw and found Shannon telling lies, stealing,  
2 manipulating, who taught her those things? Well, you can  
3 look at Exhibit 64 -- excuse me -- 60, where Linda O'Connor  
4 writes a letter to Ray O'Connor and she says in that letter,  
5 I will go into court humbly and apologize to the Court for  
6 teaching Shannon how to lie, sneak and how to go against  
7 Social Services rules. Shannon wasn't born a liar. Shannon  
8 wasn't born a manipulator. Shannon wasn't born as somebody  
9 who stole. Linda O'Connor taught her all those things. And  
10 if you remember Renee Lang's diary, she writes in there,  
11 Linda O'Connor is known for phony illnesses, faking things  
12 when it suits her needs. And I submit, based on what you  
13 have learned about Linda O'Connor, she is just that. She's a  
14 manipulator, she's a liar. She's a person that steals. She  
15 does whatever it takes to survive. So whatever you may think  
16 of Shannon, ask yourself: Who made her that way? Before you  
17 start to judge Shannon's character, ask yourself, how did  
18 this little kid get to be the way they are?

19 I submit to you, what you saw in this case  
20 during the course of the trial from the defense -- and this  
21 is me pointing this out to you. Told you on the front end, I  
22 don't play games. I don't pull punches. So I'm telling you,  
23 this is my observations. You agree with me or not, that's  
24 your choice and your decision. But what you saw in this case  
25 was the blame game. Okay. Linda O'Connor has basically

1 blamed everybody. It's everybody's fault and they're all  
2 conspiring against her. Linda O'Connor blames Naomi,  
3 Elizabeth Chesebro, Amanda Hartman, Lydia Smith, Denise  
4 Oliver, all the folks at DSS, all the supervisory people that  
5 had a hand in how Shannon was going to be treated. All the  
6 folks at Greater Binghamton Health Center. All the  
7 psychologists. It's all their fault. They conspired and got  
8 Shannon to say things and gave Shannon ideas on what to say  
9 things and basically let Shannon make all this stuff up in  
10 order to get back at Linda O'Connor. That's what, I submit  
11 to you, you heard from about a week's worth of testimony.  
12 And of course on top of that, people lie. So, Linda O'Connor  
13 would like you to believe Shannon is just lying outright.  
14 Elizabeth Chesebro has either lied or painted a picture in  
15 ways to get you to believe Shannon. Naomi Panus has either  
16 lied or painted a false picture. And that's what it all  
17 boils down to for Linda O'Connor. DSS, Greater Binghamton,  
18 all these people, and then on top of that, Shannon. They all  
19 manufactured and manipulated the whole process in order to  
20 falsely accuse Linda O'Connor. And I ask you to ask  
21 yourselves, step back for a moment. Does that in any way  
22 make any sense? An entire -- and it's not a government  
23 agency, it's a county agency. DSS is a county agency. An  
24 entire agency is going to fabricate and allow fabrication of  
25 sexual abuse and rape of a child? Greater Binghamton

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1 psychologists and social workers are going to go along, yeah,  
2 yeah, whatever the kid says, yep, that's exactly what we'll  
3 do. You think they'll just do that? For what? It's a  
4 conspiracy theory.

5 Mr. Sacco, on the other hand, no different, I  
6 submit to you. It's the blame game and the lie game.  
7 Shannon lied about everything. According to the defense, as  
8 they see it. The condom in Mr. Sacco's storage unit is not  
9 his. I counted the ways of what Mr. Sacco wants you to  
10 believe. It's not his condom; it's Clesson Lockwood's  
11 condom. Oh, you don't believe that? It's not Clesson's  
12 condom; it's his son's condom. You don't believe that? It's  
13 not Clesson or his son's; it's the other workers that were  
14 there from time to time, it's their condom that they used to  
15 rape Shannon. Let's see. I think those are all the various  
16 theories of the condom. I don't think it takes any stretch  
17 of common sense to conclude that condom is Sacco's condom.  
18 It was in his dresser in an envelope, box inside his dresser  
19 with materials that all belong to him.

20 Everything in that autobiography is fiction.  
21 None of it is true, according to Mr. Sacco. Everything in  
22 his journal, Government Exhibit 34, is just fiction.

23 Mallory Monagan, she, of course, is lying.  
24 She's a liar. And Mr. Sacco never ever grabbed her vagina or  
25 rubbed her breasts.

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1 David Pandiscia, to whom Mr. Sacco said that  
2 he had an attraction to 8-, 9-, 10- and 11-year-old girls, is  
3 a liar too, of course, because that didn't happen.

4 Gerardo DiFiori, he's a liar too. Mr. Sacco  
5 never confessed to him and Mr. Sacco never said to him that  
6 he had sex with a 12-year-old girl in Upstate New York who  
7 was a prostitute and who had called him a couple days earlier  
8 trying to get him to talk on the phone and incriminate  
9 himself.

10 Amanda Rising also, of course, is a liar. Mr.  
11 Sacco went to -- US passport, that's a forgery. He never  
12 went to the DR. The photographs that we showed Amanda Rising  
13 of 15- and 17-year-old girls that he had sex with, that's all  
14 a big lie too.

15 AUSA Adam Lori, a federal prosecutor that came  
16 up here, he's lying too. He has to be. Because Mr. Sacco  
17 definitely never was quizzing Mr. Lori about how federal  
18 prosecutors and FBI agents put together child pedophilia  
19 cases and prosecute them and gather evidence via computers  
20 and cameras. That, of course, never happened. Adam Lori  
21 must be lying. A federal prosecutor is going to walk in here  
22 and lie. Of course he is.

23 Clesson Lockwood, of course, lied too. Those  
24 video clips that we saw, those aren't really saying what they  
25 say, where Mr. Sacco is telling his buddies how he bought

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1 that video camera in order to create pornography and to get  
2 live women and pay them 150 bucks an hour to engage in sex  
3 acts so he can videotape it and make money and make that a  
4 hobby. That's all a lie too.

5 The video clip where he's honing in on those  
6 teenage girls on the corner, on their butts and ass, that's  
7 all somehow manufactured as well. The video clip he gets a  
8 call -- videotaping himself at the office, he gets a call  
9 from the guy that answers his ad in the paper about the girls  
10 to engage in sex. The Thailand brochure where he got a  
11 brochure where he wanted to go to Thailand, Philippines,  
12 Cambodia to engage in sex acts with minor girls and that  
13 notation he put in his journal where he talks to a guy from  
14 Thailand who tells him how easy it is to score underage girls  
15 in Thailand for sex. That's all a lie.

16 On and on and on. I'm not going to read the  
17 rest of my notes because it's absurd. It is absolutely  
18 absurd what Dean Sacco would like you to believe. The  
19 evidence against Dean Sacco being a predator, a sex offender,  
20 a child molester, a sexual psychopath is overwhelming. Do  
21 you have any doubt as you sit here right now that that man is  
22 a sex offender and preys on children?

23 I was going to read but I'm not going to  
24 because I think I can -- I am trying to move it along,  
25 believe it or not. But I do want to hit my points that I

1 want to raise. But I'm not going to read to you from Mr.  
2 Sacco's wonderful book, Government Exhibit Number 68, but I  
3 do want to mention a couple of things out of it. In one of  
4 the tabs he talks about how he molested his sister Susan when  
5 he was in high school, and then he talks about how he  
6 molested his sister's friends that slept over and how he  
7 crept into their room and watched and touched them. Does it  
8 sound familiar to you? Remember what Shannon told you the  
9 first time that Dean Sacco raped her? She's sleeping on the  
10 couch, and that was that first weekend when Linda O'Connor  
11 told Dean he could sleep in the house, so Linda slept in one  
12 bedroom, Sacco allegedly was sleeping in another bedroom, and  
13 Shannon told you she slept out on the couch in the living  
14 room area. What did Dean Sacco do that first night? He  
15 crept into the area where she was sleeping and he raped her.  
16 Just like he sexually molested his sister and her friends.

17 And then in that book where he describes going  
18 out into the neighborhood and putting ladders up and watching  
19 girls and their moms undressing and stalking them. And how  
20 about the other event where Agent Lyons read to you he comes  
21 upon this girl that he knows from the area and it's raining  
22 outside and he tackles her. He is molesting her. They're  
23 struggling, he says. They're rolling around in the rain and  
24 mud for 30 minutes as he's grabbing her, fondling her. Dean  
25 Sacco has a violent nature to him. He basically tackled that



1 girl and molested her while she's trying to get away from  
2 him. Is it any surprise that he told Shannon, I'll stab you  
3 and rape you while you're dying?

4 Elizabeth Dinunzio, absolutely pathetic that  
5 Elizabeth Dinunzio was brought here to testify. It is a  
6 desperation attempt to have her say something to you to get  
7 you to think nicely of Dean Sacco. I asked her one of the  
8 first questions, after we finally established that she not  
9 only read the book but got a copy of it, because the very  
10 last tab is where she sends Dean Sacco a letter saying she  
11 got his book and read it. I asked her, did you ever talk to  
12 Dean Sacco about why and how he came to molest your daughter,  
13 his sister Susan, who, by the way, was sitting in the  
14 courtroom right in the first row? I'm not going to try to  
15 explain that family. I'm simply telling you that based upon  
16 her answer, it said it all. For about a minute and a half  
17 she sat there in dead silence. What was her response to my  
18 question: That's what counseling is for. And I asked her  
19 again: Did you ever confront him about that? And then her  
20 answer was: I don't remember. I think it says it all about  
21 Miss Dinunzio, what she came here to do. She came here, I  
22 submit to you, in a lame attempt to do something for her son.  
23 I'm not quite sure what that something is because there's  
24 absolutely nothing she can do for him, but that's what you  
25 saw with Elizabeth Dinunzio taking the stand. At one point

1 she said, I recommended counseling to him. I wrote down in  
2 my notes -- because this was after she talked to you about  
3 stories in here being fictionalized. I wrote down to myself,  
4 why does Sacco need counseling for fictional molestation and  
5 fictional sex abuse in the book? She tried to get you to  
6 think it was all fiction but yet she's telling Dean Sacco he  
7 needs counseling. Counseling for what?

8 She later said Sacco had a desire to change.  
9 Change from what? Change from being a child predator, sex  
10 offender? Maybe he did have a desire, but he certainly  
11 didn't do it.

12 Mallory Monagan. Mallory, 14, I believe she  
13 is. Not sure if she's 13 or 14. Another one of those kids  
14 that is the casualty of Dean Sacco, the predator in this  
15 world. Nice kid. Goes over to play next door at Dean  
16 Sacco's brother's house, where his brother and his wife live.  
17 And along comes Mr. Predator and fondles her and grabs her.

18 Dave Pandiscia told you what Dean Sacco said  
19 to him, and I submit this is -- this is bizarre enough that I  
20 do want to read it again. Dave Pandiscia told you that when  
21 he interviewed Dean Sacco, at some point in the interview  
22 Sacco says: "Did I accidentally touch a genital? I'm too  
23 smart for that. I know where a pussy is. I know where an  
24 asshole is. However, I can't rule that out. I don't think  
25 in any way, shape or form I compromised a child's genital. I

1 don't think any genitalia was compromised." Who in their  
2 right mind speaks like that when a State Police investigator  
3 is asking you, did you touch this girl inappropriately? Did  
4 you fondle her? He plays this cat and mouse game with  
5 Detective Pandiscia, the same one you hear him playing with  
6 Shannon O'Connor on March 14 and March 15. He thinks he's  
7 Sherlock Holmes or something. He plays this back and forth  
8 like, oh, I can outsmart these guys. Who speaks like that  
9 when somebody says, did you fondle that girl? If he -- if  
10 you didn't, you go, absolutely not, I didn't touch anybody.

11 And Government Exhibit 34, Agent Lyons read to  
12 you a number of journal entries, and I'm going to go through  
13 just very quickly to remind you. And remember, these are  
14 journal entries that Dean Sacco is making. He has no idea  
15 that this would ever come to be used against him in a court  
16 of law anymore than I think he now knows but then didn't have  
17 any idea how this might come into play some day, this book.  
18 So when he writes this journal, at tab 6, page 65, he talks  
19 about how, when he discovers the internet and, "Nothing so  
20 far has had such an extensive effect on my personality, work  
21 performance and even self-esteem as the internet. And  
22 specifically the searching for young, preteen and tiny sex.  
23 This has potentially self-destructive implications if I get  
24 too careless or irresponsible or let my sexual urges mandate  
25 my behavior." He then writes at page 66 -- page 66, he

1 describes this encounter with a Thai, he calls it Thai guy,  
2 T-H-A-I person from Thailand, who tells him how easy it is to  
3 score underage girls in his country and surrounding  
4 countries. Take a look. I'm not going to put it on the  
5 screen again.

6 Government Exhibit number 40. Sacco gets a  
7 brochure about -- it says girls in Thailand. For what it's  
8 worth, there are several pictures which are child  
9 pornography. You take a look at those girls. They look to  
10 be 13, 14 years old. Girls that are being advertised for:  
11 Come to our country, have a great time and have sex with  
12 these young kids.

13 He talks at page 72: "I joked with Louis.  
14 Looked in Yellow Pages for storage place. Bought mouthwash  
15 for 99 cents at corner place, then at 8, took walk down West  
16 Grand, nice street, and found storage place. Ended up  
17 renting a tiny space for \$50 plus \$10 security." He talks on  
18 page 78 about visiting Lolita sites, sites where child  
19 pornography is found. Page 81: "Spent evening cutting up  
20 B&W," I submit means black and white, "internet photos of  
21 girls and taping them on my wall and enjoying it." Puts  
22 exclamation mark. "I told Ralph today that I might as well  
23 get into the porno business on some level and get computer,  
24 digital camera, etcetera, if I love it so much, and it's  
25 true. Might as well make it a hobby." Tab 12, page 89:

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1 Went to triple X sites and basically surfed them rest of day,  
2 though I did also shop for digital camera and some mail  
3 checking."

4 Ladies and gentlemen, as far as Mr. Sacco's  
5 concerned, I submit to you there's no question of what he is.  
6 And does it come as any surprise to you that he raped Shannon  
7 that first weekend when she was downstairs in the living room  
8 on the couch? Does it come as any surprise to you that he at  
9 that point in time starts to come up to Norwich on a routine  
10 basis from New Jersey?

11 If you take a look at bank card records,  
12 Exhibit Number 76, look at what happens up until August 22 of  
13 2006. I don't think there's one credit card use in Norwich.  
14 But look what happens after August 22. He's in Norwich back  
15 and forth all the time. Take a look at his YMCA records,  
16 Exhibit Number 13, of when he comes into the Y and swipes his  
17 card. From September of '06 all through the end of February  
18 of '07, he's in Norwich almost every second and third day.  
19 Why is that? Well, I submit to you, he's in Norwich because  
20 he is sexually abusing Shannon and Shannon is somebody that  
21 he's found and has easy access to and unfettered access to  
22 because of Linda O'Connor. And that's what brings him to  
23 Norwich. And that's why he keeps coming to Norwich. And  
24 that's why, prior to August, you didn't hear of him in  
25 Norwich. He doesn't come up to Norwich. And that's when he

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1 travels from New Jersey. It is his sexual urge for a minor  
2 child that he has found and has easy access to and has no  
3 problem getting access to because Linda O'Connor allows him  
4 to have access to her.

5 Now, the next couple of minutes, I want to  
6 play the March 14, '07 call, the first four minutes of it.  
7 And then I want to talk about something that you hear on that  
8 tape.

9 (Playing call)

10 MR. LOVRIC: Okay. The reason I had you  
11 listen to that again -- believe me, I'm trying not to waste  
12 your time here right now. I didn't know if you caught this  
13 the first time when the tape was played, and it's something I  
14 don't think I could really explain to you in my opening  
15 statement, but you just heard the conversation on March 14.

16 This is the first recorded call, okay. Now if  
17 you remember, Detective Blenis told you that the first actual  
18 call did not record. Okay. There was some problem, either  
19 he hooked it up wrong or the equipment, but if you look at  
20 Government Exhibit 82, that's a summary of Shannon's  
21 cellphone and Sacco's cellphone records as they pertain to  
22 these calls made by the police on March 14 and March 15. And  
23 you look at this exhibit, you'll see the first call on  
24 March 14 to Dean Sacco is an incoming call to Dean Sacco from  
25 the Norwich PD. Now it didn't say Norwich PD on his line, as

1 Detective Blenis told you. It was blocked out caller ID so  
2 obviously Dean wouldn't know that the Norwich PD was calling  
3 him. But that's that first call that's in those telephone  
4 records. Those records are also in evidence and those  
5 records show that call that did not record. Now, the call  
6 that we just listened to, that is the third one on this list.  
7 It's that 5:48 call. First one is 5:08. That's the one that  
8 did not record, and that was 12 minutes long. And Detective  
9 Blenis told you it was about 10 minutes long or so.

10                   You're saying: What's the point to this?  
11 Here's the point: Look at who Dean Sacco calls immediately  
12 after Shannon made the first call, the one that did not  
13 record. Dean Sacco calls Linda O'Connor. He doesn't call  
14 Shannon's cellphone. He calls Linda's home phone. And that  
15 record shows that he and Linda have a six-minute  
16 conversation, and you can hear it on the tape, because Sacco  
17 says, I just talked to your mother and she said you're in  
18 foster care. So, think about it. What does Dean Sacco do  
19 when Shannon makes that first call? Now Detective Blenis and  
20 Liz Chesebro both told you that the first call was the same  
21 general topic. Shannon was trying to get Dean Sacco to  
22 engage in conversations about the sex with her and the condom  
23 and whether or not she's pregnant. Look at what Dean Sacco  
24 does. Shannon gets off the phone that first call -- and by  
25 the way, that first call did not end abruptly. Detective

Summation - Mr. Lovric

2209

1 Blenis told you they were done with the call and then when he  
2 went to check it, he realized it didn't record, and then  
3 that's when they made this next call at 5:48.

4 But in the interim, Dean Sacco and Linda  
5 O'Connor have a six-minute conversation. Dean Sacco calls  
6 Linda O'Connor. He doesn't call Shannon. Now, I submit to  
7 you, let me tell you how that conversation went. Hi, Linda,  
8 this is Dean. Where is Shannon? Linda tells him she's in  
9 foster care. Dean says, she just called me about something  
10 to do with condoms and pregnancy and all these things, and by  
11 the way, Linda, we have a problem. Can you take care of it?  
12 Can you talk to Shannon? And at that point Linda tells him,  
13 Shannon's not in my custody anymore. She is in DSS and  
14 foster care custody. I don't have access to her. Dean tells  
15 you he talks to Linda O'Connor. Dean tells you on that  
16 conversation, your mother will help you. How does Dean Sacco  
17 know at 5:48 on March 14 that Linda O'Connor is going to help  
18 Shannon if she thinks she's pregnant? He says that on that  
19 conversation. You know how he knows that? Because Dean and  
20 Linda just had a conversation about that. Hey, Linda, Dean,  
21 I'm telling you, Shannon may be pregnant. What are we going  
22 to do about this? Dean Sacco is trying to steer Shannon back  
23 to her mother. Don't worry, she'll help you, he says on that  
24 call.

25 Did you hear the part about George, Grandpa?



Summation - Mr. Lovric

2210

1 Here's why that's important. On March 14 at 5:48 PM Dean  
2 Sacco knows about George Lang. Dean Sacco knows George Lang  
3 sexually abused Shannon. Dean Sacco knows that Linda  
4 O'Connor had sex with George Lang. Dean Sacco knows the  
5 whole story. He's asking Shannon on that call, what about  
6 Grandpa? What about this guy you told me -- and then you can  
7 hear it, he says -- that you did all these things with?  
8 Sacco knows all that. And do you remember I asked Shannon,  
9 did Dean ever ask you about George or Grandpa? And do you  
10 remember Shannon telling you, yes, I remember some point when  
11 we were in our apartment and we were doing things, he brought  
12 up this topic of Grandpa or George. And Shannon told you she  
13 was surprised because she had not told him anything. She had  
14 not told him anything about George Lang sexually abusing her.  
15 She had not said anything to him. Well, guess who did.  
16 She's sitting right there. Linda O'Connor told Dean. And  
17 why not. She's pimping her out to -- Shannon to Dean Sacco,  
18 just like she did to George Lang, and that's how Dean learns  
19 about that. And when he's grilling Shannon there, Dean must  
20 have thought that he was in the twilight zone, because he  
21 remembers this clearly. What's Shannon doing? Shannon, as  
22 she told you, is trying very hard not to disclose anything  
23 about her mother, and Shannon kind of blows him off. And in  
24 fact, Detective Blenis told you later, he asked her something  
25 about, what's this thing about Grandpa? She just kind of

Summation - Mr. Lovric

2211

1   blew him off. That's exactly what she was doing. She was  
2   still protecting Linda O'Connor on March 14. She wasn't  
3   going into George Lang with Dean Sacco or Detective Blenis.  
4   But the important part is, Sacco knows. Sacco knows about  
5   sex abuse. He says it on that tape: Didn't you tell me you  
6   caught your mother having sex with him and it really freaked  
7   you out? I submit to you, listen to what people say and  
8   write when the world is not watching, when they don't think  
9   it's watching, because you'll learn a lot more, and this is  
10   where Dean Sacco got caught talking about things that he  
11   knows, and he knows them from Linda O'Connor and Linda  
12   O'Connor only.

13                   I'm not going to play the next call. I'm  
14   going to reference it and talk to you about it. On that  
15   first call -- excuse me -- that first date, March 14, there's  
16   a call at -- conversation at 6:45 to 7:10 minutes. And in  
17   that conversation Dean Sacco is again telling Shannon, your  
18   mom said she will help you. And the way he knows this is he  
19   just got off the phone with Linda and they discuss this and  
20   discuss the fact that Shannon appears on the verge of telling  
21   someone about Dean raping her.

22                   At 12:07 on that date -- on that tape, I think  
23   you'll remember this, Dean starts telling Shannon how, in his  
24   words, she's trying to get him to admit to being guilty of  
25   raping a 13-year-old girl. He starts telling her, I can't

Summation - Mr. Lovric

2212

1 even tell what number you're calling from. And then at one  
2 point he actually asks her, are you at the police station?  
3 Is it any surprise to you that these phone calls on the 14th  
4 and 15th cause Dean Sacco to, in no uncertain terms, know  
5 that Shannon is revealing or has or will be revealing this  
6 stuff to either police or some type of agency, whether it's  
7 the school or DSS?

8 And what happens then? Well, fast forward to  
9 Gerardo DiFiori. These calls happen March 14 and March 15.  
10 Gerardo DiFiori tells you that a day before, Mr. Sacco tries  
11 to commit suicide. Now the day he tried to commit suicide is  
12 March 18. How do you know that? Because March 19 he's  
13 arrested at the hospital by New Jersey Police. On the 18th,  
14 the day before, is when Gerardo took him to the hospital.  
15 One day prior to taking him to the hospital, which would be  
16 the 17th, March 17, Gerardo DiFiori tells you he goes over  
17 there and Dean's got pills in his hand, looks very  
18 distressed, disheveled. And what does Dean Sacco tell  
19 Gerardo DiFiori? I got this call from this girl Upstate.  
20 I've been having sex with her. She's a 12-year-old girl,  
21 she's a prostitute. And she just called me and tried to get  
22 me to incriminate myself and was talking about protection, as  
23 DiFiori put it. What is all that? It's exactly what  
24 happened. Shannon called him a couple days before then and  
25 is talking about protection, condoms, and sex, and he's now

1 telling DiFiori -- Sacco's telling DiFiori about this and  
2 that's why he's bugging out. And I ask you to look at the  
3 word that Sacco uses to DiFiori. He calls her a prostitute.  
4 He doesn't call her "a girl that I met." He doesn't say it's  
5 some girl that's hanging on in Norwich, but he uses the word  
6 prostitute. Why prostitute? Well, in some worlds that's  
7 what Shannon ended up being. Her mother prostituted her out,  
8 and that's a very telling word that Sacco uses to DiFiori.  
9 It's very telling because he does it at a time when Sacco  
10 doesn't have the wherewithal to try to concoct some kind of  
11 story. He's on the verge of committing suicide. And it's  
12 very telling what he says to DiFiori and it's very telling to  
13 you the relationship O'Connor and Sacco had.

14           The call on March 15, I'm not going to play  
15 it, but if you want to hear it, you're welcome to. What I  
16 want to point out, on that call, March 15, there is a point  
17 at 21:25 minutes on that call where Sacco is talking to  
18 Shannon and throwing out this 40 years in jail. These put me  
19 in jail for 40 years. And Sacco's basically, in my terms,  
20 doing this guilt trip on Shannon, where he's trying to get  
21 her not to tell anybody. Even though on the very front end  
22 he goes, oh, yeah, tell the teacher. If you look at that  
23 whole tape, whole conversation, he's once again playing  
24 Mr. Psychology and trying to work Shannon over. And at the  
25 very end he's basically saying, I'll lose my dog. He gets in

Summation - Mr. Lovric

2214

1 all these pets and all the pets that are going to go hungry  
2 or something when he goes to prison. I mean, he's laying the  
3 guilt trip of a lifetime on this kid to try to get her to  
4 please don't tell the police that I raped you. At 21:25 he  
5 talks about this 40 years in prison. Remember DiFiori told  
6 you that Sacco told him he's not going to go to jail, if  
7 police come looking, he's going to commit suicide because  
8 he's going to end up 30 years in jail. Defense jumped all  
9 over DiFiori over a half hour over these 30 years. Where is  
10 he getting these numbers? Where is he reading it? It's  
11 classic Sacco. He does it to Shannon, he did it to DiFiori.  
12 It's classic Sacco.

13 That call where he says, are you at the police  
14 station, on March 15? Sacco is videotaping -- I'm going to  
15 move through this. Agent Lyons told you Sacco videotaped  
16 himself doing just about everything, and you saw some clips.  
17 He set up his camera in an office cubicle. He videotapes  
18 bicycle riding on the trips with -- That's where he pans in  
19 on the girls on the corner. He videotapes talking to his  
20 buddy, how he's going to produce pornography with this very  
21 camera he bought. Do you find it at all surprising that  
22 there were no videotapes recovered of Norwich? Sacco  
23 videotapes everything. He videotapes himself for hours  
24 speaking Italian into the camera. For what purpose, God only  
25 knows. He videotapes everything that has him in it. He's

1 obsessed with cameras, videos with him in it.

2 Two things, observations. One, look at where  
3 all the videotapes are found in New Jersey. Cameras found in  
4 the storage unit in Norwich. All the videotapes are down  
5 there. And is it any coincidence that this guy who  
6 videotapes himself doing everything but sleeping didn't do  
7 any videotaping of himself in Norwich? Is that just a  
8 coincidence? I submit to you not. What Sacco did was, all  
9 the Norwich tapes are gone. That's because he knew Shannon  
10 had given it up and he knew Shannon had told and he knew from  
11 talking to Adam Lori on how investigators put their case  
12 together, and he knew that eventually they'll find these  
13 videotapes. And he certainly wasn't going to have them in a  
14 storage unit either in New Jersey or Norwich or anywhere, and  
15 he certainly wasn't going to keep anything in his office.  
16 But the lack of any videotape from Norwich is like a big red  
17 flag. Like even at the house, bought a new house. Videotape  
18 or anything out of Norwich? Nothing. No Norwich videotapes,  
19 for a guy that videotapes everything. That speaks loud and  
20 clear. At the time that he met Adam Lori, spring of 2006  
21 into fall of '06, fall of '06 is when he's raping Shannon,  
22 and it's at the same time that he is quizzing a federal  
23 prosecutor about the ins and outs of how FBI and federal  
24 authorities, Department of Justice investigate child  
25 predators. Is it any surprise to you he was able to very

Summation - Mr. Lovric

2216

1 successfully not allow tapes and photographs to be found? Is  
2 it any surprise to you that that's exactly what he did?

3 Once again, Sacco threatens DiFiori, sends him  
4 that letter: "I will deal with you when I get out, which is  
5 going to be sooner than you think." Very consistent. Sacco,  
6 smooth talker when he wants to be, but when he wants somebody  
7 to know that he's not messing around, whether it's Shannon or  
8 anybody else, you see the violent side of Sacco come out.

9 Amanda Rising talked about the photos of two  
10 girls that he showed her, 15- and 17-year-old, he tells her  
11 basically that he had sex with them. Had a good time with  
12 them in the Dominican Republic. Says she saw other photos of  
13 girls, kids 8, 9, 10, 11 years old. Same age range that  
14 Detective Pandiscia talked to him about.

15 The letter to Sorvino, Government Exhibit 64,  
16 I submit to you -- and again, I'm not going to read it, but I  
17 remember enough of it to tell you my point: He confesses to  
18 Sorvino in that letter. In the third paragraph from the top  
19 of that letter, he tells Sorvino how he's going to cut a deal  
20 with the state prosecutors to get like three or so years in  
21 jail because they're preoccupied with some other homicide  
22 case. He's telling Sorvino how he'll be out in a few years.  
23 He tells Sorvino in that letter, second paragraph: "One of  
24 the reasons I'm here, Bill, is because of this problem, this  
25 issue that you and the other guys could never help me with.

Summation - Mr. Lovric

2217

1 Attraction to the opposite sex. My need to be loved by a  
2 woman, by a girl." And he goes on into this kind of bizarre  
3 explanation as to why he's in jail. But he basically says,  
4 I'm going to be out of here in a few years, I'm going to cut  
5 a deal, I'm going to plead. He doesn't say in that letter,  
6 hey, Bill, I'm innocent, I don't know what these people are  
7 doing but I've been falsely accused. He doesn't go on with  
8 anything like that.

9 Exhibits 37 through 39, three photographs  
10 found in the storage unit. They were taken on June 24, 2006  
11 by a camera. That camera has never been recovered. June 24,  
12 2006, on the bottom right-hand corner of two of those three  
13 photographs is imprinted the date. And I had -- I believe it  
14 was Investigator Shultz testify to that date, but you can  
15 look at those pictures. That camera has never been found.  
16 The camera that Mr. Sacco bought on eBay, the Fuji 1000 zoom  
17 lens camera has never been recovered. The digital camera  
18 that he talks about in his diaries, surfing to buy and to  
19 find, the cameras that were recovered, the video camera found  
20 in the storage unit, the Polaroid camera, the Polaroid that  
21 Amanda Rising said he always carried around at these  
22 barbecues that was found at the storage unit in Norwich.

23 The one thing you do know for certain,  
24 whatever cameras Mr. Sacco had, he brought them up from New  
25 Jersey. When the Judge at some point tells you about the



1 law, there is a requirement that the things used to produce  
2 or to try to produce the pornography, child pornography,  
3 traveled interstate. How do you know that? Well, first of  
4 all, the cameras he bought on eBay came to him in New Jersey.  
5 That video camera did, the Fuji 1000 zoom lens did. And then  
6 from New Jersey they came up to Norwich. So that's crossing  
7 state lines.

8 Secondly, those cameras, the two that are in  
9 evidence, you can look on the back of them. One is made, I  
10 believe it's Malaysia, the other one is made in Japan. So  
11 the interstate aspect is in. I just want to point it out to  
12 you so you don't spend a lot of time thinking about that.

13 Part of the defense and my submission to you  
14 has been, with Shannon O'Connor in particular, has been  
15 everything has to line up. All the dates. Everything has to  
16 be perfect. The Best Western records. The hotel stays. The  
17 when exactly things happened. Was it on December 27 or was  
18 it on December 26? Was it on Thanksgiving or was it the day  
19 before Thanksgiving? Everything has to line up. And the  
20 defense wants you to believe if everything doesn't line up  
21 perfectly, she's lying. It's all a big lie.

22 Now I'd like you to step back, and you can do  
23 it from your own perspective or your own common sense or your  
24 own experiences as a 10-, 11-, 12-, 13-year-old kid.  
25 Children do not, I submit to you, think of time in the same

1 way that adults do. To children time is a different medium  
2 than it is to the rest of humanity. They remember things  
3 happening on a specific holiday or around a holiday, but to  
4 them -- and half the time when I ask my daughter, what date  
5 is this thing happening or this event, I get the, I don't  
6 know, it's sometime next week. As a parent, you start going,  
7 what date, what time, where? And you get the vague, it's  
8 going to take place, Dad, just leave me alone. Can I go or  
9 not? Children don't have the same notions of time and date.  
10 But the defense would like you to believe that Shannon had to  
11 remember the exact date that everything happened, the exact  
12 time it happened, the exact -- exact event at a hotel it  
13 happened. If Shannon can't tell you exactly when it  
14 happened, does that mean it didn't happen? If she's going to  
15 make something up and stick with it, then you'll always get  
16 the same date. Just because she can't have everything down  
17 to a science as far as dates and times, doesn't mean it  
18 didn't happen. And it also doesn't mean that she's lying  
19 about being raped or sexually abused or pimped out to other  
20 men.

21 I wrote this down because this is my  
22 impression that I want to share with you. For the longest  
23 time during this trial, the defense was throwing out this  
24 idea Shannon is a loony tune. Shannon is psychologically off  
25 the wall. She's on meds, she's on all of these things. You

Summation - Mr. Lovric

2220

1 can't even believe her before she walks into this courtroom.  
2 And I submit to you, when -- after Shannon testified, you saw  
3 a different kind of cross-examination of her. All of a  
4 sudden we get Shannon's report cards put in and she's a good  
5 student. You get Miss Peebles bringing to your attention  
6 that she won an award for creativity in story writing. I  
7 don't know whether she thinks she's a good story writer or a  
8 great liar, if that's her point, but all of a sudden it's the  
9 smart Shannon. Oh, she made it all up because she's so  
10 smart. Before it was, she's a babbling, drooling idiot, and  
11 after she testifies, because you saw her testify, she's not  
12 what, I submit to you, is painted of her and so all of a  
13 sudden it's, oh, it's the conniving, manipulative Shannon.  
14 She made all this up because she's so smart.

15 George Lang, George Lang's computer. I'm  
16 going to go through this but I want to hit some points.  
17 George Lang knew his computers. I submit to you, George Lang  
18 and Linda O'Connor developed a close relationship because of  
19 their sexual deviant interest, and it probably happened by,  
20 sure, pure luck. He starts coming over, helping with the  
21 computer, she's interested in porn, he's interested in porn.  
22 They start e-mailing it back and forth, and before you know  
23 it, they both discover that they both like children and  
24 having sexual encounters with children. The one thing that  
25 you can rest assured with George Lang is that George Lang, I

1 submit to you, is not going to leave anything on that  
2 computer knowing that he's going to die. Renee Lang told you  
3 she told him, when you go, that computer goes. Now that  
4 computer, either George Lang deleted things off of it or it  
5 became corrupted.

6 James Thompson told you, there are things on  
7 that computer that he knows were there that are no longer  
8 there. He told you there were images and photographs, some  
9 of which were digital images and photographs that are no  
10 longer there, and he can't tell you whether they were  
11 intentionally or unintentionally obliterated, but he knows  
12 from looking at enough of the bits and pieces that they were  
13 there at one point. He also told you that based upon the  
14 titles of those files, he knows that some of those files were  
15 pornography images, pictures. What happened to those things?  
16 Only George Lang and God know. But there's no question it  
17 was there because enough pieces were left behind that tell  
18 you they were there at one point.

19 Renee Lang, she told you she goes over to  
20 Linda O'Connor's house on 11 River Street, walks in, and  
21 there is Linda O'Connor naked from head to toe and Shannon  
22 O'Connor naked from head to toe. I would like you to spend  
23 all the time in the world that you want to and come up with  
24 one logical, rational explanation. There is none. A  
25 40-year-old woman standing naked in the middle of the day in

1 the middle of the house with her naked 11-year-old daughter  
2 in the middle of the house, in the middle of the day. There  
3 is absolutely no explanation on God's green earth other than  
4 one that is Renee Lang walked in either before or after  
5 Shannon was being sexually abused by Linda O'Connor at 11  
6 River Street, just the way she told you. There is no other  
7 explanation. You can think all you want, and you know what,  
8 I asked Mr. Fischer and Miss Peebles if they care to give you  
9 a rational explanation. There is none. Oh, Renee Lang is  
10 lying. Of course. I forgot about that one. Everybody is  
11 lying. That is a smoking gun that tells you Shannon is  
12 telling you the truth when she tells you Linda O'Connor  
13 molested her. They would both be naked, either in the  
14 bedroom or the bathroom. And what does Renee Lang tell you  
15 that O'Connor, Linda O'Connor does after that? She locks the  
16 door. The door is locked from then on.

17 Georgie Boy. The mechanical male penis that  
18 George Lang buys for Linda O'Connor. The one that she uses  
19 all night on one occasion when she and Shannon are sleeping  
20 in the bedroom together. What does that tell you about Linda  
21 O'Connor? I don't want to bring up a sorry subject, but  
22 again, with all due respect to Miss Hamilton she doesn't know  
23 what the hell she's talking about. Linda O'Connor is some  
24 model parent is a bunch of baloney, and Miss Hamilton has got  
25 it in her mind that Linda O'Connor is some model parent that

Summation - Mr. Lovric

2223

1 Shannon's making stuff up about. Model parent. She's using  
2 a vibrator on herself the whole time that her 11-year-old  
3 daughter is sleeping with her in a bedroom. What does that  
4 tell you about Linda O'Connor? More importantly, what does  
5 that tell you about the relationship she has with Shannon?  
6 How could a parent do that with their child next to them and  
7 they know the child is there and can hear them? Well, it's  
8 not a problem if you're sexually abusing your child and you  
9 and your child are doing things to each other. What's the  
10 big deal. That's what it tells you.

11               Sending of porn, George and Linda. Shannon  
12 has access to it. Sees it. Defense was, I submit to you,  
13 looking to get you to be all -- use my words -- outraged when  
14 Shannon viewed porn at Linda Hunsinger's house September '06,  
15 Renee's daughter. Shannon goes on a site, sees child --  
16 excuse me -- porn, pregnancies. It's the outrage of the  
17 month. Where was the outrage when Shannon is exposed to all  
18 this porn at her own computer at her mother's house that  
19 George is sending to her? Is it any surprise to you that  
20 Shannon has this fascination with pornography? Think about  
21 it. This is why we don't let our children have access to  
22 certain adult things. Their minds are not ready to deal with  
23 pornography, with sexuality. This is why you don't talk to a  
24 5-year-old about sexual intercourse between mom and dad. And  
25 you don't pull out family photos. There's certain things

1 children are not ready, their minds are not ready to grasp.  
2 And what happens is, when a child has been sexually abused  
3 and exposed to this, it is very natural to find them going on  
4 these sites because they're exploring, they're trying to  
5 figure it all out, because the parents obviously haven't done  
6 it for them. They haven't been able to explain this.

7 The alcohol, the Vicodin. Shannon is being  
8 medicated. Linda O'Connor is feeding her alcohol at George's  
9 on New Year's Eve with Sacco. She gives her Vicodin after  
10 one of the rapes. Shannon is starting to come unglued.  
11 She's being abused and raped. What's Linda O'Connor's  
12 solution? Have a drink. Have her take Vicodin.  
13 Painkillers. Shannon writes, in that note that Renee Lang  
14 found: "I hate my mother. My mother used me." This whole  
15 case about Linda O'Connor using Shannon. This whole case is  
16 not even about Dean Sacco. Dean Sacco is one of those  
17 predators that walks the face of the earth that came into  
18 contact with Linda O'Connor, who is basically pimping her kid  
19 out and doing whatever she wants to with her kid to make ends  
20 meet.

21 Linda O'Connor, I submit to you -- and the  
22 evidence I submit shows this -- what is Linda O'Connor?  
23 Linda O'Connor is what I put in quotation, a societal  
24 parasite. She's a moocher. She's somebody that basically  
25 freeloads. She looks to anybody and anything, any agency

1 where she can suck money out of it, and that's the way she  
2 survives. She's a financial shipwreck. She has no finances.  
3 You give her money and she'll blow it. You can hand her  
4 50,000 in cash today; within two weeks, she'll have nothing.  
5 And then she'll go and mooch somewhere else. And that's why  
6 she develops the relationship with George Lang.

7 What is George Lang? He's someone who's going  
8 to adopt her. He's paying some of her bills for her. She's  
9 going to -- over to his place. Living it up. Has a great  
10 comfortable family situation. That's what Linda O'Connor is  
11 about.

12 Dean Sacco comes along. Dean is in for one  
13 thing and one thing only: sex with children. Linda: I don't  
14 have money to pay rent. I can't give it to you on time. I  
15 need for -- an extra month or two. And that's what happened  
16 here.

17 In the middle of that is Shannon O'Connor.  
18 She's being used over and over again by Linda O'Connor and  
19 all of these men. Linda O'Connor, when Shannon goes to  
20 foster care -- do you remember Liz Chesebro talking about one  
21 of the most important things that was on Linda O'Connor's  
22 mind? What about my HUD, what about my public assistance?  
23 With Shannon out of the house, I'm going to lose money. Are  
24 you kidding me? Your kid is going to foster care, you just  
25 got arrested for not paying at Pizza Hut, and what's on your



1 mind? How much public assistance you're going to lose  
2 because you don't have a kid in the family.

3 Two men at the hotel, pure business. That was  
4 it. That was a horrific commercial transaction. Linda  
5 O'Connor needed cash. Somehow she knows the two men. Were  
6 they cab drivers? Were they people that she kind of knows  
7 from the street? I don't know. I can't answer that for you.  
8 But she knows these two men, and these two men gave her 150  
9 bucks to have sex with Shannon.

10 Look what Renee Lang told you about Linda  
11 O'Connor. Linda O'Connor tells her to go get fucked. She  
12 thinks she's taking her daughter away from her. Then she  
13 starts buying things for Shannon, and it's just classic  
14 O'Connor. She smashes Shannon with sex abuse and rapes and  
15 she picks her up and glues her back together. How does she  
16 do that? Buying stuff for her. Is that any surprise to you  
17 that a 12- and 13-year-old kid can be so easily swayed by  
18 material things? That's the problem with kids though. They  
19 are so easily hooked and so easily pulled. And that's  
20 exactly what happens to Shannon.

21 Violation of court order. October 11. Linda  
22 O'Connor is in court. The judge tells her not to let Shannon  
23 have any unsupervised contact with Dean Sacco. Why does she  
24 violate the court order? She doesn't care about any court  
25 order. Anything that gets her what she wants, Linda O'Connor

1 does. Linda O'Connor didn't care about a court order. She's  
2 allowing Sacco to rape her daughter.

3 Now I submit to you what happens here is the  
4 following: Dean Sacco rapes Shannon O'Connor that first  
5 night. There is no evidence that Linda knew about that, and  
6 she probably didn't. Shannon didn't know that. Shannon  
7 doesn't know that -- Linda O'Connor doesn't know that Dean  
8 just raped her. And what happens to Shannon? She unravels.  
9 She starts to either, fake or real, hurting herself. Either  
10 way you cut it, Shannon starts to unravel. She thought it  
11 was going to be different from George Lang on River Street.  
12 She's now been raped by Sacco. She has no idea whether Linda  
13 is involved or not with Sacco, but Shannon doesn't know that,  
14 and she ends up going to live with Renee Lang.

15 What happens when she comes back? The rapes  
16 continue. And then when her mother not only tells her it's  
17 better than being homeless but when her mother gets involved  
18 with the picture taking, is it any surprise to you that  
19 pictures are taken of rape? That's not Linda O'Connor.  
20 Linda O'Connor doesn't care about the photographing. Linda  
21 O'Connor has a deviant sexual perversion in abusing her  
22 daughter. It's Sacco that's the photography nut. It's Sacco  
23 that photographs everything. It's Sacco that wants pictures  
24 taken, either as trophies, like that condom that he sticks  
25 into his dresser. Linda O'Connor doesn't care if Sacco wants

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1 to dress up in a tutu when he's raping her daughter. She  
2 could care less. Go ahead, we'll take pictures, no problem.  
3 At that point in time Shannon knows that her mother is  
4 involved and is pimping her out. There is no question in her  
5 mind.

6 Deanna Kirwin, nice kid. Remember I asked  
7 her, how did Shannon appear when she talked about the  
8 landlord? And Deanna Kirwin said she was very upset and  
9 disturbed whenever she talked or mentioned him. I go back to  
10 Miss Hamilton. With all due respect to Miss Hamilton, I  
11 think there's something going on there. She definitely has a  
12 skewed view of what happened because Deanna Kirwin tells  
13 you -- and you know what, Deanna Kirwin couldn't make  
14 anything up if she tried. She was very candid. Seems like a  
15 real sweet kid. We were in the garage, we looked at those  
16 porno magazines. Do you know what the whole purpose was?  
17 Because Shannon denied that. I don't know if you remember  
18 that Miss Peebles asked her that. Shannon denied they went  
19 to the garage and looked at porn magazines. I don't know  
20 why. Maybe Shannon doesn't remember it. Maybe she doesn't  
21 want to remember it. So what. So they put Deanna Kirwin on  
22 to show you Shannon lied about that or the answers were not  
23 the same. Look at what she said when she talked about  
24 Shannon whenever Dean Sacco the landlord was mentioned. Dean  
25 Sacco.

1                   Exhibit 13, Chenango County medical records.  
2 Dr. Waters concludes it was sexual assault, that Shannon was  
3 sexually assaulted. Her hymen was completely torn. On the  
4 first three pages of this report he concludes that based on  
5 that, she was sexually violated and sexually assaulted.

6                   Exhibit 53, 54, 59, and 60. I read three of  
7 these for you. These are defense O'Connor exhibits.  
8 Fifty-three, 54 and 59 are letters which Shannon wrote to her  
9 mother. Letters Shannon was writing to her mother when she  
10 was in jail. And I asked Shannon -- and I went to specific  
11 places in the letters. She's telling her mother about how  
12 she would never do to her children what her mother did to her  
13 and how Shannon was telling her mother how much she hates her  
14 for what she did to her. You know what, folks, if you look,  
15 now that you know what happened, Shannon left a lot of things  
16 out there, whether you want to call it a trail or bread  
17 crumbs, but she left a lot of signs saying, please help me.  
18 That's basically what was going on here. Shannon was, every  
19 turn, every corner, before she had the guts and courage to  
20 come out and say it, saying, please help me somebody. And it  
21 comes in letters. It comes in the form of what she said to  
22 people. And it wasn't until she's ready and able to build up  
23 enough courage to disclose in December of '07 that she  
24 finally let's it all spill out. But does that seem logical  
25 or illogical? Do you think a child could just casually come

1 out and say, my mother's been sexually abusing me for years,  
2 or is it more consistent this is something that will take a  
3 long time?

4 If you remember back to when we had voir dire,  
5 jury selection, I asked every one of you that very question.  
6 And I don't know if you remember it, but I remember it. I  
7 asked you: What do you think about when a child gets  
8 sexually abused by a parent versus a stranger? Which one  
9 would you expect they would more readily and more quickly  
10 divulge and reveal? And if I remember, almost everybody --  
11 or nobody said the reverse, was that, of course it will take  
12 a long time to tell on a parent versus a stranger. Why?  
13 Because you'll say, hey, that man just hurt me, they abused  
14 me, they tried to do this. Who do you run to when it's your  
15 mother? Who? Who do you trust enough when it's your mother?  
16 Look at Shannon's suicide note. Shannon puts down in her  
17 suicide note all the things that happened to her.

18 Final things I want to talk about. It is the  
19 final thing, Judge. The count, the charges.

20 Count one, as you'll find, the Judge will tell  
21 you, charges Linda O'Connor with selling or transferring  
22 Shannon for purposes of Dean Sacco engaging in acts which are  
23 for the purpose of having portrayed in a visual depiction or  
24 photograph.

25 Now the one thing I do want to mention about

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1 count one and other counts, the Judge will read you the law.  
2 I don't want to step on his function. Listen for the ors,  
3 because all these statutes have ors. You can violate it this  
4 way or that way, or, or. Listen for the ors, because it can  
5 be one way or the other.

6 Traveling interstate, in interstate commerce.  
7 There's no question Sacco traveled from New Jersey to  
8 New York. You can look at his bank card records. You can  
9 look at the YMCA records. He's buying things in New Jersey  
10 and he's buying things in Norwich. Buying things in Norwich  
11 and then Deposit. There's no question he's going back and  
12 forth, back and forth.

13 You're going to learn and the Judge will  
14 explain to you, with respect to count one, the conduct that  
15 the Judge will describe and the law that he'll describe is  
16 for the purpose of producing child pornography. The law does  
17 not require that it had been produced. It doesn't require  
18 that any photographs were ever taken. It doesn't require  
19 that they ever came out. So long as you're convinced that  
20 the activities as charged were for the purpose of producing.  
21 If Dean Sacco had set up that camera and it never worked, he  
22 can still be convicted of count two. If Linda O'Connor  
23 participated with Dean Sacco, she can be convicted of count  
24 one, even if the pictures never came out. The law doesn't  
25 require that. Listen carefully for that.

1 Count one deals with Linda O'Connor  
2 transferring custody of Shannon. Not permanently; for those  
3 one to two minutes when she allowed Dean Sacco to have access  
4 to Shannon O'Connor for the purpose of engaging in those  
5 sexual acts for the purpose of producing -- for the purpose  
6 of not actually producing, although I submit to you they were  
7 actually producing. That is a violation of count one by  
8 Linda O'Connor.

9 Count two, Dean Sacco is acquiring, getting  
10 custody of Shannon for that purpose.

11 Count three talks about sex trafficking. The  
12 Judge will read to you the law. Again, listen for the  
13 language that says while in and affecting interstate  
14 commerce. What interstate commerce has been affected in this  
15 sex trafficking? Linda O'Connor pimping her daughter out,  
16 Dean Sacco obtaining custody of Shannon for the purpose of  
17 engaging in a commercial sex act, which the Judge will define  
18 for you. What interstate has been affected? I can count on  
19 two hands just off the top of my head. Dean Sacco traveled  
20 in interstate commerce. He went from New Jersey to New York.  
21 That affects interstate commerce. Linda O'Connor made phone  
22 calls out of state. That affects interstate commerce. Dean  
23 Sacco made phone calls to New York State from New Jersey.  
24 That affects interstate commerce. Dean Sacco used his bank  
25 card in New York State with money and assets that are located

1 in New Jersey in his bank account in New Jersey. That  
2 affects interstate commerce. Linda O'Connor rented rooms at  
3 the hotel, a hotel that has a chain which affects interstate  
4 commerce. Linda O'Connor sending Sacco a money order in New  
5 Jersey affects interstate commerce. It's not required to be  
6 a big effect, it just has to be some effect.

7 Count four and five. Count four relates to  
8 both Dean Sacco and Linda O'Connor. Again, listen to that  
9 language, for the purpose of.

10 Count five pertains to Linda O'Connor being a  
11 parent and allowing the child to engage in acts which are for  
12 the purpose of producing visual depiction. Listen for that  
13 language again.

14 Counts four and five, the Judge will talk to  
15 you about this legal proposition of aiding and abetting. I  
16 simply point it out. Listen to when he talks to you about  
17 that.

18 Count six, Dean Sacco travels from New Jersey  
19 to engage in sex with Shannon. Again, it's for the purpose  
20 of engaging. It wouldn't matter if he never had sex with  
21 Shannon O'Connor if he traveled from New Jersey for the  
22 purpose of intending to and having a desire to travel for the  
23 purpose of seeing and meeting her, to have sex with her,  
24 regardless of whether he ever does.

25 And count 7 is the possession of child



1 pornography. Child pornography we're talking about are the  
2 various pictures taken of Shannon, in addition to any other  
3 pictures that you find either in Thailand or the other  
4 pictures that were described by Amanda Rising as far as  
5 constituting child pornography.

6 I'm going to stop and end here. I've tried to  
7 give you as much of an overview as I can, and I tried to hone  
8 in and talk to you about the things that I thought maybe  
9 weren't as evident and things that I wanted to make sure that  
10 you think about. The bottom line in this case, folks, is  
11 that Shannon O'Connor was, in fact, sexually abused, and  
12 everything -- if you step back, everything that you see about  
13 her and about what has happened to her is consistent with  
14 that. And if you really think about it, and you step back  
15 and you say, why would Shannon say this if it didn't happen  
16 and put herself in this light, put herself in the middle of  
17 being a girl that is 10, 11, 12 years old and sexually abused  
18 by a parent if it didn't happen and why would she go on  
19 through interviews with law enforcement and testifying in  
20 court, for what purpose? I mean, to do what? To send her  
21 mother away to jail forever and ever, for what? What did her  
22 mother ever do that they can point to other than sexually  
23 abusing her to cause Shannon to be so angry? You know, what  
24 Miss Hamilton described, every kid can get angry enough where  
25 they will say something and then fairly quickly you can

1 unravel what they said was either not accurate or not  
2 correct. And that's what happens with children that create a  
3 story or tell a lie. But for a child to go down the road all  
4 the way to the very end to say, this is what happened to me,  
5 for what? She still loves her mother and wishes things were  
6 different. That -- this isn't going to make anything  
7 different, and she knows that at this point in time. And so  
8 you have to ask yourself, when somebody tells you Shannon is  
9 lying, Shannon is making it up, well, why? You can't just  
10 say that and it can't be just she's angry. I mean, all of us  
11 get angry, but you don't go on and on and lying about your  
12 parent sexually abusing you, and it just makes no sense. It  
13 makes absolutely no sense. Shannon's angry over what, that  
14 she would lie about all these happening?

15 And then you've got to ask yourself, look at  
16 the things that you can corroborate. Dean Sacco, Dean Sacco  
17 is a walking sexual predator, and everything in this case  
18 tells you that. And everything in this case tells you that  
19 he did in fact rape Shannon, and that condom was one of his  
20 trophies that he left behind and all those other things that  
21 corroborate what Shannon said to you. So don't just accept  
22 when somebody says, oh, they're all lying. I went through my  
23 blame game analysis for you, and it's not just a bunch of  
24 words that I put together. It's everybody's lying. Well,  
25 wait a minute. Before I accept that, you've got to show me,

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1 why and how? People don't get together and say, let's accuse  
2 that person, let's all lie, how do you come up with it?

3 On the flip side of this, if you think about  
4 it, Shannon was abused in the way she described and she is  
5 what she is today, but that she is that way because of these  
6 two people. So I ask you, use your common sense, and if you  
7 do that, and use your logic and apply it, you will find that  
8 these two people did what they're charged with and they're in  
9 fact guilty of those charges.

10 Thanks for your attention.

11 THE COURT: Okay, ladies and gentlemen. We're  
12 going to take a break.

13 (Jury excused)

14 (Short break taken)

15 (Jury present)

16 THE COURT: Okay, Mr. Fischer, are you ready  
17 to address the jury?

18 MR. FISCHER: Yes, your Honor. Thank you.  
19 May it please the Court, counsel: Members of the jury, good  
20 afternoon.

21 When I last stood up here to address you, it  
22 was I believe 4:45, so I'm starting a little early because  
23 it's only five to 4. You've sat here for three weeks plus  
24 and given your undivided attention, and I've been sitting  
25 directly across and I've watched what you've done. You have

1 given everything that we can ever ask of a jury to this  
2 point, and I appreciate it. And I'm here as Mr. Sacco's  
3 representative so I'm going to say for him, he also  
4 acknowledges the hard work that you have put in, each and  
5 every one of you, for three weeks of your life that has taken  
6 out to dedicate to figuring out what really did happen here.  
7 But your hard work has not yet begun really. You've listened  
8 to the evidence, but now after I speak, Miss Peebles will  
9 speak, and after Miss Peebles speaks, Mr. Lovric has the  
10 opportunity to -- again to get up and speak to you, and after  
11 that Judge McAvoy will explain the law to you, and that is  
12 when the weight shifts from us to you.

13 This is a tremendous burden. Civilization has  
14 been nothing if it hasn't been attempting to bring us to this  
15 point. The point where, when we have a dispute, we figure  
16 out a way to pick 12 people from the community, 12 strangers  
17 to come in and listen, listen to the rule of law,  
18 administered by a judge, a federal judge, in an adversarial  
19 setting, where one side says this is what happened and the  
20 other side said, no, this is what happened, and then you give  
21 it to the community, basically the people who live here, who  
22 are willing to come in and spend their time. The gravity of  
23 it is not just historical, it also is, as Mr. Lovric began to  
24 acknowledge in his closing, the gravity of it is tremendous.  
25 What's involved for the people here cannot be overstated.

1                   And so when I get done speaking here, I don't  
2 get another chance to speak with you. And this burden is  
3 going to be handed to you when I sit down for Mr. Sacco. I  
4 use the word burden because it is a burden. The law as it  
5 has developed in the criminal arena is different than the  
6 civil arena. In a civil arena, as plaintiff's attorney, for  
7 example, I have the benefit of being able to say that  
8 something probably happened and that suffices. That is much,  
9 much easier than the government's burden in this criminal  
10 case. Because in this criminal case, the burden that has  
11 evolved through centuries of analysis and decision-making  
12 process by well-educated and intelligent people has evolved  
13 to the point where the government's burden is to prove this  
14 case beyond a reasonable doubt. I add emphasis to that  
15 phrase for a reason, because that is ultimately the hurdle,  
16 the threshold that has to be crossed by the evidence, not my  
17 arguments. My arguments, frankly, are superfluous. They  
18 are -- in a sense, they're meaningless. I'm not giving you  
19 any evidence in this case. Mr. Lovric doesn't and Miss  
20 Peebles doesn't. We're not allowed to. We weren't there; we  
21 don't know what happened.

22                   Where does the evidence that you decide this  
23 case on come from? I was versed, educated, trained as a  
24 historian through college. As a historian, how do you figure  
25 out what really happened at a time three years ago, 50 years

1 ago, 5,000 years ago? You go to the things that occurred at  
2 the time. And, you know, in my experience in trying cases,  
3 time and time and time again what has worked to show what  
4 really occurred is to go to the events that occurred closest  
5 in time to those events. And we'll go through and I'll --  
6 we'll analyze that proof from that perspective because, you  
7 know, we're making argument here that -- the attorneys are  
8 making argument to show you should look at this evidence from  
9 our perspective because then you will agree with us and you  
10 will rule in our favor. We don't start from a level playing  
11 field, unfortunately. For the government in this case, they  
12 have the uphill battle and an uphill burden, which I submit  
13 to you in this case really they have not met.

14 I start off with that premise. Their proof in  
15 this case, no matter how you cut it, no matter how you try to  
16 dress it up and no matter what evidence the government has  
17 submitted with respect to Mr. Sacco's background, the  
18 evidence as to what occurred in this case comes from one  
19 source. That source is, to put it very kindly, unreliable.  
20 Would you take Shannon O'Connor's word if she told you that  
21 if you give me a thousand dollars I'll make it \$10,000?  
22 Would you believe that? Use that as a basis upon which you  
23 make your judgment whether you should believe her in this  
24 case, because the stakes, as Mr. Lovric called them, in this  
25 case are very different than money. Can you rely upon what

1 Shannon O'Connor said to make a judgment in this case with  
2 stakes like these? That is the foundation of the  
3 government's case. It's -- to say that it's a weak  
4 foundation is a tragic understatement.

5 I respond to some questions raised by Mr.  
6 Lovric in his closing statement. Why, why in the world would  
7 a girl say this? Why in the world would something like this  
8 ever be made up, be fabricated like this? I don't have the  
9 answer to that question. What we do know, first of all, we  
10 do know that Shannon has had a terrible life. There's no two  
11 ways around it. You can't argue that point. I won't argue  
12 it. She has -- she's had a terrible time with it. I don't  
13 know whether her condition -- you can take ten trained  
14 psychiatrists in a room together and you'd come up with ten  
15 different opinions about why she is where she is today. I  
16 don't know the answer to that. I'm not able to give you  
17 that. I don't know whether mental illness is caused by  
18 surroundings, events that happen to us in our life. I tend  
19 to believe there is some truth to that. But you also heard  
20 Liz Chesebro say that Linda O'Connor has labored under a  
21 mental illness for three plus decades. She really has,  
22 apparently so. I don't know whether these are genetic  
23 components to what Shannon O'Connor suffers from today or  
24 whether it is exclusively environmental. I don't have the  
25 answer to that question. I can't give it to you.

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1                   Why would she do this? Why would she make a  
2 false claim if it in fact is false? Why would she do that?  
3 There are rewards to it. There is an upside to it. You get  
4 a bodyguard; that's one reward. You get a lot of people who  
5 really, really genuinely care. The people in this system who  
6 address these problems with Shannon O'Connor, I really do  
7 believe they sincerely care about her. They spent a lot of  
8 time, a lot of hard work, dedicated to trying to help her.  
9 They tried to do the right thing. They picked her up and  
10 they did their best to take care of her. They gave her all  
11 of the attention and the laundry list I went through with  
12 Shannon, some of the primary care givers, and that list took  
13 7 minutes to get through, not to mention the probably 200  
14 incidental people at least who have come across Shannon  
15 O'Connor and helped her, tried to help her in some fashion or  
16 another. Why? Because she got something that she didn't get  
17 at home: a caring, loving environment, with people who cared  
18 about her and wanted to help her improve her life and get  
19 better.

20                   Linda, I don't know Linda O'Connor. I only  
21 know Linda O'Connor from basically what you all have heard of  
22 her in this trial. Never met her, never spoke with her. She  
23 obviously does have a significant history of mental problems.  
24 I would submit to you that there is a reason why Shannon  
25 would want to get out of that environment, and she did. She



1 got placed with Kim Hamilton and Richard Hamilton and six  
2 other children which, although it wasn't perfect, was not a  
3 bad shift, frankly. I think they gave her a good safe place  
4 to live, three squares, some kids to play with, a relatively  
5 stable home environment. There's a good reason for her to  
6 make this up.

7 But why not just recant when it got to the  
8 point where all of a sudden you're facing the grand jury on  
9 the state side and a federal case about to be launched? Why  
10 not at that point recant? Well, there's a good reason for  
11 that. Mandy made a false accusation and she recanted, and  
12 what happened to Mandy? What did Shannon O'Connor learn from  
13 that? If I recant, what's going to happen me? I'm going to  
14 get prosecuted. I'm going to be -- and she already said like  
15 when her mom got arrested, one of her biggest fears at the  
16 time was, what's going to happen to me? I'm going to get  
17 arrested. She had a fear of that, and that's a legitimate  
18 fear. It's real fear. It's not a paranoia; it's a real  
19 fear. If she had recanted, what do you think would happen?  
20 That answers the question. I didn't raise the question. I  
21 addressed it because Mr. Lovric raised the question why, and  
22 that is indeed I think clearly the answer. It's logical,  
23 it's rational and it makes sense.

24 This is a federal criminal trial. All the  
25 marbles really are at stake. Mr. Lovric got up and spoke

1 with you and said, yeah, Shannon lied about being in the  
2 shed. It's pretty clear that she lied about it. We've got  
3 the girl up here who really -- I agree with Mr. Lovric -- was  
4 a nice kid and honest as the day is long. So if you compare  
5 the two, the conclusion was clearly that Shannon lied about  
6 being in the shed. What was Mr. Lovric's response to that  
7 lie? I quote: So what. So what. I can't think of anything  
8 that's more important. So what if the primary witness in  
9 this case tells a jury who's going to decide the fate of  
10 these two people a bald-faced outright lie. So what? That's  
11 unacceptable. I submit to you that you cannot accept that  
12 position. And certainly in this case that should not be  
13 relied upon to form the basis for a finding of guilt on these  
14 charges beyond a reasonable doubt.

15 It troubles me. It's wrong to say so what in  
16 this setting. It's fundamentally wrong. This case got a lot  
17 of publicity before trial, during trial, but before trial we  
18 addressed with jurors on voir dire, and part of -- the big  
19 part of the publicity in this case was the Best Western  
20 claim, that mom sold this girl to two men for sex at the Best  
21 Western. By my calculations, about a minute and a half of  
22 Mr. Lovric's several-hour-long closing statement was  
23 dedicated to the Best Western theme. I think that he  
24 acknowledges that that's a confabulation. He didn't put up  
25 much of a fight on that point because there's no fight to be

1 made. This is a -- I use the term confabulation and I'm  
2 going to use that term during the course of this closing,  
3 which is going to take a while because confabulation is  
4 somewhere between a lie and a mistake. It's mixing up the  
5 two. I'm thinking of a Yiddish word a fellow told me this  
6 morning. I can't remember it. Basically my point is, I  
7 submit to you that most of what Shannon did in this case was  
8 not an intentional lie. It's not as though she went out and  
9 intentionally tried to hurt people. I really believe that  
10 she was just so confused, so mixed up, so muddled -- and I  
11 understand Mr. Lovric lays the blame for that -- he says he  
12 doesn't play the blame game but lays the blame for her mental  
13 state at the feet of my client. You look at the whole  
14 picture, step back a little bit and determine whether that is  
15 accurate or not. In any event, she is -- there's no doubt  
16 about it, there's no doubt that she -- at best, if you put  
17 the evidence in the light most favorable to the government in  
18 this case, she is at the very least confused.

19 The claims. And I'll go through historically  
20 talking about what she said and when she said it, put it in  
21 the context of just how confused she was or wasn't when she  
22 made those claims so you can accurately assess whether  
23 they're true or not. And I'll do that in a minute. But I  
24 want to make the point that the Best Western, the claims  
25 about the Best Western were made -- I believe it's the

1 December 5, 2007 videotape. You have -- you were given  
2 some -- a transcript of that. That's not evidence. It's  
3 used as an aid. If you want to look at that again, because  
4 that really is -- I believe that's really the first  
5 disclosure that Shannon makes about mom being involved in the  
6 photograph. That's really the crux, where the major crux of  
7 this case is. That's made at a time when she is at the very  
8 least confused and at the most severely mentally ill,  
9 psychotic, hallucinating and under the influence of not  
10 Zoloft or Benadryl but Thorazine, Risperdal, which are -- my  
11 understanding of it, is some very seriously heavy-duty  
12 antipsychotic medications. You don't give those out unless  
13 somebody's got some real serious stuff going on. But that is  
14 when these disclosures were made about the Best Western.  
15 What's consistent? I mean, you have different stories about  
16 what happened here. Part of your job is to make all of that  
17 consistent. How can I make these things work together and  
18 mesh comfortably? In this case, the answer to that question  
19 is that in October and December of 2007, when these  
20 disclosures were made, they were a mix of bits and pieces of  
21 fantasy, pornography from before Shannon O'Connor ever met  
22 Dean Sacco. Pornography from when she lived at Renee Lang's  
23 house in September of 2006, as I recall. Dreams -- just for  
24 an example, about mixing things up. The progression -- I'll  
25 go through progression in more detail. This example leaves

1 the mind right now. The dream sequence. Shannon originally,  
2 back in February of -- might have been March of 2007, says to  
3 her therapist, I'm having dreams. And that's important to a  
4 therapist. I don't understand what it means, but the  
5 therapist says they have some meaning to them. She says, I'm  
6 having dreams about my mother and I stabbing each other.  
7 Okay. Makes sense. Later on that changes. It evolves. It  
8 morphs into, I'm having dreams about Dean Sacco stabbing me,  
9 and that in turn evolves later on into a claim that, Dean  
10 Sacco says he's going to stab me. Now that only comes out at  
11 the last tail-end heightened apex, really, of that episode of  
12 mental illness. I don't know what the diagnosis is  
13 technically, but it's clearly a mental illness of some sort.  
14 That statement is the height of confabulation. It comes out  
15 at the time when all the planets align to make that the least  
16 credible statement one could ever rely upon. Confabulation.

17           There is an intimation, as I understand it,  
18 that Mr. Sacco, between March 15, 2007 and the time of the  
19 second phone call or third phone call and the time that he  
20 apparently tried to commit suicide in March 18 or 19 of 2007,  
21 came to Norwich and removed any incriminating evidence. But  
22 that doesn't work. It's not accurate. It's not consistent.  
23 It doesn't make sense. It's not logical. If Mr. Sacco had  
24 come up to Norwich to remove incriminating evidence, this  
25 camera would never have been found because now it's claimed

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1 that it's part of the crime? The -- all the stuff that's  
2 been found from that locker was still there. The condom was  
3 still there. If Mr. Sacco came up here to get rid of  
4 evidence, he only took three percent of it and left the rest.  
5 That doesn't make sense. That's just illogical. And part of  
6 what you, I'd submit, can rely on in this case to reach  
7 conclusions is logic. Use that logic, apply it to these  
8 facts. See what he comes up with. See if it fits. It's  
9 really one of the tools you can bring to the table as a  
10 group, an individual, to try out what really happened here,  
11 and that's really a big part of your job. But that just  
12 doesn't make sense, that claim of intimation. That  
13 insinuation doesn't make sense here.

14 I talked about how important your job is. I  
15 grew up in the house of a prosecutor. I grew up, my father  
16 was a prosecutor for years and years and years. I understand  
17 how the system works. I also understand just how much power  
18 the government carries with them. The federal government,  
19 United States of America, has the power to do things that I  
20 as a private citizen cannot do. An FBI agent shows up on  
21 your door and says: Didn't this happen? Isn't this what  
22 happened? Says -- let's --

23 Gerardo DiFiori. I'll talk about that  
24 instance for a moment. That occurred after Mr. Sacco's phone  
25 calls with both Linda O'Connor and with Shannon O'Connor on

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1 the phone, when it's pretty clear that at one point Mr. Sacco  
2 had an idea that Shannon might be setting him up, which she  
3 was. Mr. DiFiori says at the time when the FBI agents were  
4 down to speak with him, FBI agent and a state trooper from  
5 New Jersey go down and speak with him and say, Mr. Sacco's  
6 incarcerated and we're prosecuting him federally and he has  
7 these state charges pending. Tell us what happened.  
8 Mr. DiFiori doesn't tell them what happened at that time.  
9 Somebody goes back to speak with him, as I recall, a second  
10 time and says, tell us what happened, and Mr. DiFiori says, I  
11 got these letters and he's my tenant and that's it. You  
12 know, am I wrong to question why Mr. DiFiori said what he  
13 said when he said it? I mean, you have to question that.  
14 Any reasonable person would be remiss if they did not  
15 question that. When does Mr. DiFiori say, I had a  
16 conversation with Mr. Sacco, Mr. Sacco said he had sex with a  
17 prostitute and he's facing 30 years? When does he make that  
18 claim? After he speaks with whom? Mr. Lyons. Mr. DiFiori  
19 was as nervous a cat as I've ever seen. He talked to control  
20 the conversation. There's something there, basically is what  
21 I'm saying to you. There's something there behind  
22 Mr. DiFiori's revelation, 11th hour revelation after  
23 conversations here in the Federal Building with the  
24 government that just doesn't smell right. It's fishy. It's  
25 not square. There's something about it that just isn't

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1 right. What it is, I don't know. I don't have the answer to  
2 that. Mr. DiFiori knows it. Mr. Lyons knows what happened  
3 during the conversation. I don't. I wasn't there.  
4 Something about that isn't right. It troubles me.

5           You know, there's some quotes that I was going  
6 to read to you. Thomas Paine says, you know, things like:  
7 Government, even in its best state, is but a necessary evil;  
8 in its worst state, an intolerable one. The people who  
9 framed the Constitution 200 years ago understood the same  
10 problem we face now. The more things change, the more they  
11 stay the same. The problems that we face now with the power  
12 of the federal government are not all different fundamentally  
13 from the problems framers of the Constitution had with the  
14 British government at the time they framed this Constitution.  
15 The reason they framed the Constitution is because they were  
16 afraid of the government. They put checks and balances in.  
17 It's a rational system. They put checks against the power of  
18 the government. Why? Because the power itself is what is  
19 fearful. And the power in this case, I submit to you, was  
20 used in a way that was the foundation for the fear of the  
21 framers.

22           John Adams, our first Vice President, our  
23 second President, said, as I recall the quote: Fear is the  
24 foundation of most governments. That's still true. It's no  
25 less true today than it was 200 years ago. It's something



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1 that has an effect on this case in the context of, let's say,  
2 for example, Mr. DiFiori. Was Mr. DiFiori fearful? When you  
3 go back to deliberate, please consider this question. Talk  
4 about it among yourselves. Was Mr. DiFiori fearful? Was he  
5 fearful of a letter that Mr. Sacco said that: I will deal  
6 with you when I get out of prison? Maybe. Maybe that's  
7 true. Was there something else Mr. DiFiori was fearful of?  
8 I ask you to -- I ask your favor to discuss that question  
9 among yourselves when you go back. It's important.

10 We stand here because the grand jury of the  
11 federal court has issued indictments against these two  
12 defendants. I want to make sure you understand what that  
13 means and what that doesn't mean. It's an accusation. It's  
14 a probability thing. It's not a month worth of 9-to-5  
15 testimony by a long shot.

16 There's a gentleman by the name of William  
17 Campbell who is a great writer, political writer that I enjoy  
18 reading, who said something like this: Today the grand jury  
19 is the total captive of the prosecutor, who, if he's candid,  
20 will concede that he can indict anybody at any time for  
21 almost anything before any grand jury.

22 The indictment is not proof. It doesn't mean  
23 really much except it defines what you all need to decide. I  
24 set that out because I want you to understand, the fact that  
25 somebody makes a claim doesn't mean that these defendants are

1 guilty. The government in this case -- and I define the  
2 government as a whole, and I reason -- there is a reason why  
3 I spoke with Kim Hamilton about the government, including the  
4 federal prosecutor in this case, including the DSS, including  
5 Greater Binghamton Health Center, which I understand is a  
6 governmental agency, because it explains how events occurred  
7 and why these events occurred. The government involved this  
8 girl from early on, August 2006 and brought her along in the  
9 system to the point where she testified on the witness stand  
10 here. Her mother didn't bring her from that point along to  
11 testify. And I submit to you certainly from the time of this  
12 disclosure, March of '07 until today, Mr. Sacco had nothing  
13 to do with this girl. It was the government's -- I include  
14 Kim Hamilton in there -- people who brought her along there.  
15 Mr. Lovric objected when I called DSS of Chenango County the  
16 government, but they're the government. That is part and  
17 parcel of what's been presented to you.

18 A good part of the proof in this case is  
19 dedicated to discussion and a good part of discussion in this  
20 case by the government was dedicated to Mr. Sacco's  
21 background. I have to speak with you about it. It's on the  
22 table. That's what we do. I object very infrequently,  
23 frankly. The way I look at it, bring it in, put it on the  
24 table, we'll dissect it, we'll talk about it, we'll analyze  
25 it, you reach a conclusion. If it's met beyond a reasonable

1 doubt standard, fine, we'll live with that. But in this case  
2 there is some proof that I have rarely had to deal with in  
3 the nature of character evidence about somebody in the past.  
4 What they've done. Ordinarily, my experience, when I speak  
5 with a jury in a trial, I don't have to talk about character  
6 evidence, what they did in the past to show they did it this  
7 time, because it's generally not used. In this case it is  
8 because it's a different setting, difficult setting. There's  
9 special rules that apply in this case.

10           You heard about at length, at great length, we  
11 are what we are. Like it or not, Mr. Sacco is what he is.  
12 He had his own busload of issues, so to speak, from  
13 childhood, from way back. He had some proclivities and  
14 propensities that are written about at length starting around  
15 age 13 that are odd. I went to a counselor with my wife to  
16 learn how to talk with her. My counselor, first thing he  
17 said to me was, everybody's crazy. Nobody is normal. I tend  
18 to agree with him. It's a standing joke, everyone except us  
19 is crazy.

20           But seriously, Dean Sacco had problems. He  
21 had social problems. He had sexual problems. They were not  
22 socially acceptable. His desires were not socially  
23 acceptable. We agree upon that. What did he do? Did he  
24 hide that propensity? He did not. What he did was he wrote  
25 about it. He tried to get it out. He put it into a book and

1 published it for the whole darn world to see. This is who I  
2 am. This is it. He acknowledges in the book that he has a  
3 problem. He understands that what he has done has been  
4 wrong. The diaries, after he got out of prison, that he  
5 writes at about the time that he's living at the YMCA -- and  
6 you can have those read or you can read them. As I  
7 understand, the timing -- and that's really part of why I  
8 called Elizabeth Dinunzio. I couldn't figure out anybody  
9 else who could tie up the time frame of the writing of that  
10 to 2002 when Mr. Sacco lived at YMCA in New Jersey and began  
11 working with Glenwood Furniture. That's important, because  
12 if you look at the diaries, 2002, it appears to be when they  
13 end. And at that point Mr. Sacco tries changing his  
14 behavior. He makes a legitimate effort at it. Okay. He's  
15 out working. By the time he buys a house in Norwich, he's  
16 working for Glenwood or Rising Sun. Apparently at some point  
17 they change the nature of that employment relationship. And  
18 you know, let me address this first: He's working eventually  
19 at that Glenwood/Rising Sun. He's working for the Manhattan  
20 Club doing marketing. He's working for the wine company  
21 doing marketing. He's up here working for Norwich Meadows  
22 Farms driving truck. And he bought a house up here so that  
23 he could make money like Mr. DiFiori and his wife did. He's  
24 out there working as hard as he can. Part of his dream is to  
25 come to Norwich, start a new life.

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1 All right. He makes a deposit on that house,  
2 as I recall, in May of 2005. Fifteen months before he ever  
3 knows Linda or Shannon O'Connor. And he starts to work and  
4 brings his mom up, and he's proud of what he did and he's  
5 proud of what he's aspiring to do. He is not without his  
6 problems. But he made an effort, a legitimate effort to  
7 extract himself from the setting in which he was raised in  
8 which those problems manifested themselves and to bring  
9 himself to an environment that is different, to change.

10 I -- I -- who knows what happens in the hearts  
11 of men. I don't profess to understand everything. But that  
12 evidence of a desire to change is an acknowledgment that the  
13 behaviors that had gone on before were unacceptable to Mr.  
14 Sacco.

15 Thank God for cross-examination. You know,  
16 Mr. Lovric says that somehow cross-examination was wrong.  
17 It's the message that I got, theme that I got from him. And  
18 if it wasn't for cross-examination, what story would you have  
19 heard in this case? You would have heard Mr. Sacco is just  
20 this loner or loser, that Shannon O'Connor is credible,  
21 trustworthy, and you can take to the bank whatever she tells  
22 you. But those things aren't true, and the only way that you  
23 prove them really is through cross-examination. Somebody  
24 else I'm paraphrasing said that cross-examination is the  
25 greater engine of truth ever created. You know, I think

1 that's true. I don't know how to cross-examine a distraught  
2 14-year-old girl. There is no way to do it except get up and  
3 ask the questions. In a working way fashion about the fact.

4 I'm not very emotional and I'm certainly not  
5 very good at the emotional aspects of this case. I give  
6 credit where credit is due. Mr. Lovric is a very able  
7 attorney. Very skilled at what he does. And plucking your  
8 heart strings effectively, emotionally seeking to move you in  
9 the direction of a conviction. I'm not good at that stuff.  
10 What I rely on are facts. Where do I get the facts from?  
11 The witnesses. How do I get those facts from the witnesses?  
12 I ask them questions. And that's what I did here. And you  
13 heard the evidence. The result of that was what it was. But  
14 my point is that without cross-examination, the story that  
15 you would have heard here would have been at best, at best a  
16 half-truth, because we didn't go back and examine  
17 pre-August '06 history concerning Shannon O'Connor. You  
18 didn't hear anything about that. I don't know if there is  
19 any history or not. Nobody was aware of it. That's what we  
20 heard here. And you know, the cross-examination concerning  
21 some of the other witnesses brought out some facts that the  
22 government did not bring out voluntarily. But it's  
23 important, particularly with respect to Shannon, that the  
24 cross-examination was not done -- would have a malicious  
25 intent. It's not that I intend to humiliate and embarrass

1 this girl by any means. I did my best to do that. If I  
2 offended in doing my job here by my objections, my  
3 comportment, the way I examined these witnesses, please  
4 accept my apology at this point, but talk to me after trial,  
5 call me up and say, I have a real problem with what you did,  
6 but don't take that against Mr. Sacco, please. I was doing  
7 my best to do my job here and I think, frankly, I did,  
8 because it became clear that the story that you heard from  
9 Mr. Lovric during his opening statement and the story that  
10 you heard from Shannon O'Connor during direct examination  
11 were parallel. I'll use the term parallel. They weren't  
12 identical but, boy, were they parallel.

13 I had Mr. Lovric's opening statement typed up  
14 by Miss Theleman. She was kind enough to give that to me.  
15 Shannon O'Connor's examination, two volumes sitting over  
16 there, and I looked at those and I looked at the direct  
17 examination and I looked at the opening statement. I said,  
18 wow, that's amazing. They're parallel, every step of the  
19 way, timewise, substantively.

20 But then came cross-examination. Remarkably  
21 Shannon O'Connor's memory when she was on direct examination  
22 by Mr. Lovric was quite good. She remembered details, times,  
23 dates, places, names, who was where. But within ten minutes  
24 of asking her questions about what happened, her memory came  
25 apart. Now whether she really couldn't remember or not, I

1 leave for you all to decide. That's not my job. But I  
2 submit to you that -- well, let me back up. Let me back up.  
3 She was on the stand for two days. We took a break at one  
4 point during her cross-examination. After she came back from  
5 that break is when the "I do not remember" began. Not "I'm  
6 not sure about that" or "I can't really recall that date."  
7 Specifically, and I quote it time and time and time and time  
8 and time and time and time again, "I do not remember." That  
9 was the fallback. That was the default. That was the way to  
10 not have to answer questions about what really occurred. And  
11 day two was worse than day one. The whole examination  
12 basically came up -- I had other cross-examination planned to  
13 ask her about -- substantive questions about events that  
14 occurred, and finally I said to myself, you know what,  
15 there's no sense in it. There's no reason to go any further.  
16 It's clear that no matter what I ask about, the answer is  
17 going to be, "I don't remember." And so I stopped. I've  
18 always done my best where seated in silence. That's one  
19 perfect example of it. It's important, because what that  
20 cross-examination did was it told you the other side, the  
21 other 50 percent or 70 percent or 90 percent of the story  
22 that you were told by the government.

23               There are some claims in this case that have  
24 to be tested. I talked briefly about the dreams changing,  
25 but that's only part of the story here. Originally -- let's



1 go historically. March 2, 2007 is the first statement that  
2 Shannon O'Connor makes. Let's talk for a moment about claims  
3 of violence, because that is part of the government's case in  
4 this presentation to you. The claim is that Mr. Sacco was  
5 violent to Shannon O'Connor. March 2 statement is that Buddy  
6 the dog bit Mr. Sacco on the backside. Whether that's  
7 credible or not I leave to you. But that statement says, "I  
8 thought that Mr. Sacco was going to or might hit Buddy."  
9 That's what that statement says the first time. It does not  
10 say, "I thought Mr. Sacco was going to hit me." They go to  
11 the doctor's offices, the hospital ten days later on  
12 March 12, and what does Shannon O'Connor tell the doctor at  
13 that point? No history of physical violence. In that the  
14 historian or historians were at the very least consistent in  
15 the same manner.

16 Now Mr. Lovric said in his opening statement  
17 that he was going to call Dr. Waters and Dr. Waters was going  
18 to get up here and testify, and Dr. Waters, when he got up  
19 here and testified, was going to tell you that there was  
20 sexual intercourse here. I know because I read -- I have the  
21 transcript, but I know that's what was said. But there is no  
22 Dr. Waters. But we do have his record, fortunately, which  
23 says what it says. No violence. No claim of violence.

24 But then we go -- let's say we go to the next  
25 step, go to March 14, two days later. Any claims of violence

1 in that phone call? None. Any claims of violence in the  
2 next day phone call? None. Listen to them phone calls.  
3 Part of them, 4 minutes worth was played here. Shannon says  
4 there was no conversation, she was scared of Mr. Sacco, there  
5 was no conversation on the phone between Mr. Sacco and  
6 Shannon O'Connor. Your ears, your ears are what control  
7 here. Listen to that. It's clear as a bell to me, but my  
8 opinion doesn't control here. Your collective opinion, 12 of  
9 you talk, talk about this subject. Did Mr. Sacco and Shannon  
10 O'Connor have a continuing relationship at the time of those  
11 phone calls, had they talked on the phone before many times?  
12 Were they familiar in their conversation with each other?  
13 Listen to the tenor of the conversation. Listen to the  
14 tones. Their voices. My conclusion from that is they had  
15 talked on the phone many, many times. They were friendly.  
16 They had conversations about some very important subjects.  
17 They had some conversations about a subject that is part of  
18 this claim. They had conversation at some point prior to  
19 March 15 or 14 of 2007 about Shannon's sexual history. How  
20 did that come about? How did that conversation come about?  
21 Shannon says, well, somebody else must have told Mr. Sacco  
22 about that and he relayed it to me. I either said yes or no.  
23 You evaluate her credibility whether she's telling the truth  
24 about that. But the subject at some point prior to March of  
25 2007 had been discussed between the two of them. How could

1 that happen, in a violent setting? Or in a different setting  
2 where the two were conversing about sexual topics? The  
3 latter is the more rational, logical and makes the greatest  
4 amount of sense. There was a conversation here about that  
5 sexual subject prior to March of 2007. Is that consistent  
6 with claims of violence? It's not consistent with claims of  
7 violence. It is inconsistent with claims of violence. It  
8 proves to you that the claims that are now being made about  
9 violence in that relationship are untrue.

10 But let's go back to the records. 2/28/07 is  
11 when Shannon has the dreams about her mother stabbing her and  
12 she says later on -- and I don't know whether it was the  
13 October or December statement -- it morphs into: Well, Mr.  
14 Sacco hit Buddy, and because Mr. Sacco hit Buddy, I thought  
15 he might hit me. And then it changes into, on the December 5  
16 statement: Mr. Sacco hit me with the back of his hand.  
17 That's the end conclusion that was presented to you as the  
18 jury. But historically, if you look at that historically, it  
19 is untrue. And that's important in this case because it  
20 creates a false impression. The impression, getting up here  
21 and saying that there was violence in this relationship, if  
22 that's false, is really important. It's fundamentally  
23 important to what Shannon O'Connor is claiming in this case.  
24 If it's false, it supports the idea that she basically is  
25 making this up or making part of it up or making most of it

1 up but basically that she's making it up. The claim of  
2 violence portrays her as the victim of violence. Is that  
3 consistent, based on this evidence?

4 Renee Lang. Now I have problems with the way  
5 Renee Lang testified. Renee loved being a witness. She told  
6 Mr. Lovric, ask me about this subject and I'll remember what  
7 it was. And he did, and she got to expound on whatever she  
8 wanted to expound about. She loved being up there. I have  
9 problems with many of the things that Renee said because  
10 they're inconsistent historically with what she wrote at the  
11 time, that is, the August 22, 2006 note where she talks about  
12 Shannon coming down, gee, I had a good night's sleep and what  
13 I had for breakfast that day. She forgets the note: If,  
14 Shannon says, I have to go back to my house, I'm going to  
15 kill myself. Historically that's inconsistent. If you go to  
16 what was written at the time and believe that, it's  
17 inconsistent with what Renee Lang testified to here. So I  
18 have a problem with that aspect of her testimony.

19 There was some other things that in my opinion  
20 Renee exaggerated, amplified, confabulated maybe. But one  
21 thing that Renee did say was -- and I think that she told Liz  
22 Chesebro about this at the time -- that Shannon had a history  
23 of kind of easing up to some men. Also that Shannon --  
24 everyone was concerned -- I'm not saying that Shannon -- I'm  
25 not saying that Renee Lang said that Shannon said this, but

1 Renee Lang did say that there was a concern about Shannon  
2 making false accusations against men. Where that came from,  
3 I don't know. I didn't ask her about it. Maybe I should  
4 have. But it was said back in August, September, October,  
5 sometime in that summer of 2006. Historically that's what  
6 was said at that time. Is that important in this case in  
7 determining you should believe these claims? I submit to you  
8 it's very important; it's fundamentally important. Is there  
9 evidence that Shannon O'Connor made false claims against men,  
10 of a sexual nature? And Kim Hamilton sat here on the witness  
11 stand earlier today and basically told you the same thing, in  
12 detail, with graphic detail, about whose handwriting it was,  
13 names of children that came to be read. Shannon later on,  
14 when confronted later on, undeniable evidence, crying and  
15 admitted the truth, but originally that Shannon made false  
16 accusations about sexual misconduct. That's not the only  
17 time she made it. She made it back in August of '06 before  
18 she ever made any claims against Mr. Sacco. That's really  
19 important. That goes to the heart of the claims in this  
20 case. It's fundamental. Not just Shannon sitting here  
21 saying, "I can't remember," but her conduct at the time,  
22 August of '06. What she actually did at that time is  
23 important historically if you're going to put this back  
24 together again.

25 You know, historically, I rely on, as I

1 understand here, today, 26 of May 2008, years later, my spin  
2 on what occurred is exactly just that, as is Mr. Lovric's, as  
3 is Miss Peebles. We take all these pieces, certain select  
4 pieces of evidence, we weave a story about what really  
5 happened back then, but it is necessarily one-sided from our  
6 perspective. It's not historically accurate. The only way  
7 you're going to find historically accurate information is to  
8 go to the time the event occurred. I cannot overstress the  
9 importance of doing that in this case because there's a lot  
10 of evidence that you can look back to.

11 To get back to my point about the claim of  
12 violence: It's not supported historically.

13 Cameras. That's a real important part of this  
14 case too. What did Shannon O'Connor say about cameras in  
15 August of '06? Nothing. What did she say in March of '07?  
16 Nothing. Now, she was trying to protect her mom, she said,  
17 in March of '07, but she could have said the truth about Mr.  
18 Sacco, Mr. Sacco's taking pictures, in March of '07. But she  
19 didn't say that.

20 And you know, again, how do you assess  
21 credibility? You watch people's reactions. Shannon was up  
22 here testifying for a long time. She was pretty flat in her  
23 affect for the most part of her testimony. Miss Peebles  
24 showed her on cross-examination some letters from her mother  
25 that choked me up and that Shannon didn't bat an eyelash.

1 She didn't blink about them. She recounted these horrific  
2 events without the slightest emotion. But when I asked her  
3 about her March 2 statement, what she said and what she  
4 didn't say, I mean, it's plain as day, it says what it says.  
5 It doesn't say what it doesn't say. Did you say that at that  
6 time? Only then, only then, when confronted with the untruth  
7 that she was stating up here, did Shannon cry. That's the  
8 only time she did. It's the only time she got that emotional  
9 is when she was proved to be telling a falsehood. That's  
10 telling. That's really important.

11 And part of what was not in that original  
12 statement was the cameras, and that's important. Because  
13 historically she didn't say a thing. She does say it in  
14 October of 2007. She says, yep, there was this zoom camera.  
15 I remember it; it was a zoom camera. Well, you have evidence  
16 here of a video camera, Polaroid camera, neither of which are  
17 zoom cameras, and you have the eBay records of a Fuji film  
18 1000 35-millimeter. It's in the pile of evidence. I'm not  
19 going to try to find it for you. But it's clear as a bell  
20 that's what it is. It is a Fuji film 1000 zoom 35-millimeter  
21 camera. Okay. But it's black. She describes the camera  
22 that's silver. She also later on says that he set it and  
23 forget it. They're just not consistent historic statements.  
24 They're inconsistent. And this is at a time, as I've  
25 suggested, that she was at the Greater Binghamton Health

1 Center and when she was, at the very least, confused about  
2 what really, really happened.

3 Oh, yeah. The camera, the only -- the first  
4 time she talks about a camera with the picture on the back --  
5 thank God Liz Chesebro made notes. Shannon meets with Mr.  
6 Lovric, Mr. Lyons here in the Federal Building in March of  
7 this year. Mr. Lyons apparently has no notes. Mr. Lovric  
8 apparently has no notes. Well, there's an objection for  
9 that.

10 MR. LOVRIC: Objection. That's not the  
11 evidence.

12 THE COURT: Well, whatever the jury can  
13 remember on that point. It's argument he's making. The jury  
14 remembers something different, that's up to them.

15 MR. FISCHER: We haven't seen any of those  
16 notes from Mr. Lovric or Mr. Lyons. If they existed, we  
17 haven't seen them. What we did see, thank goodness,  
18 Elizabeth Chesebro's notes, because Elizabeth Chesebro says,  
19 I don't know whether it was March 7, March 14 or March 2 of  
20 2008, but that's the first time when Mr. Lovric has the  
21 camera in his office and pulls it out and says: Is this the  
22 camera? Is this the camera that was used? Is this the one?  
23 What do you think she says? Oh, no, that wasn't the camera?  
24 No, she doesn't say that. She says, oh, yeah it's the one  
25 with the picture on the back. Figure out how to work this



1 thing. There it is. Picture on the back. Does she say that  
2 before she's prompted? Does she say that before she's shown  
3 this camera? Never. Never. She's so suggestible. But my  
4 point is: If you look at historically trying to figure out  
5 what really happened, this camera was never mentioned before  
6 she was shown this camera. As soon as she was shown this  
7 camera, all of a sudden it becomes part of the plan.

8 Oh, marijuana. Again, thank goodness for  
9 Elizabeth Chesebro. First meeting, no discussion about  
10 marijuana. March. Let's go back to August. In August of  
11 '06, any mention of marijuana? Nothing. March 2 of '07, any  
12 mention of marijuana? No. How about when she's making full  
13 disclosure back in October and December of 2007? You would  
14 think at that point she would say, oh, yeah, yeah, they gave  
15 me marijuana, because they talked about the wine coolers and  
16 Vicodin. But she doesn't talk about it in October and  
17 December of 2007. She talks about it when? Only when --  
18 later on, when she's meeting here in this building with the  
19 government. Elizabeth Chesebro, and Mr. Lovric.  
20 Confabulation. I submit to you, that's confabulation.

21 It is -- she's now 14 years old at Greater  
22 Binghamton Health Center. She's out a little bit now in a  
23 halfway home. I submit to you she's been probably exposed to  
24 some marijuana recently. She's been around kids who are  
25 smoking, maybe she's smoking herself, I don't know, but the

1 first time that it comes up is about two months ago. And at  
2 one point, as I recall, she says, I was given marijuana once,  
3 and then later on she says twice. Detail. But it's  
4 inconsistent historically with what she said really occurred  
5 at a time closer to the events that occurred. It is a  
6 mixture of what really happened cast in its most sinister way  
7 to make Mr. Sacco look bad. And when is it cast in that  
8 direction? When she's meeting with whom? With my  
9 understanding, maybe that's just a coincidence. Maybe she  
10 was given marijuana back then. Maybe not. But I submit to  
11 you, logically speaking, the message, I'm not saying -- Mr.  
12 Lovric is a decent, respectable gentleman. What I'm saying  
13 to you, inherent in the power of this setting is the unspoken  
14 message. And Mr. Lovric asked Shannon at the end of his  
15 examination: Did I tell you what to say? No. Did I tell  
16 you to tell the truth? Yes. But the unspoken suggestion is,  
17 let's get Mr. Sacco. Do what we can. I mean, that's from  
18 the outset, March 2, 2007. That's what the objective has  
19 always been. Nobody's ever questioned the truth of what  
20 Shannon O'Connor said except under cross-examination in this  
21 courtroom. The government, Liz Chesebro to Miro Lovric, has  
22 accepted what she said wholesale without any critical  
23 analysis. That raises a ton of problems because you have the  
24 power now of local, state and federal governments pushing in  
25 that direction with a suggestible child. And this is the

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1 reason why the framers, who are a smart group, the framers of  
2 the Constitution, well-educated, well-reasoned, thoughtful  
3 people put these checks and balances in place at that time.

4 I have more to say, your Honor. It's 5:00. I  
5 don't know if you want me to continue, but I'll be a bit  
6 more.

7 THE COURT: Well, let's examine that. When  
8 you say you have more to say, can you quantify?

9 MR. FISCHER: I have quite a bit left to say,  
10 Judge.

11 THE COURT: All right. Ladies and gentlemen,  
12 this is a good time then to break. And we'll see you  
13 tomorrow at let's say 9:45. You almost had me there.

14 Let me remind you not to discuss the case  
15 among yourselves, with anybody else, or permit anyone to  
16 discuss it with you.

17 See you tomorrow morning at 9:45. Have a nice  
18 evening. Court stands adjourned.

19 (Jury excused)

20 (Court stands adjourned)

C E R T I F I C A T I O N

I, VICKY A. THELEMAN, RPR, CRR, United States Court Reporter in and for the United States District Court, Northern District of New York, do hereby certify that I attended at the time and place set forth in the heading hereof; that I did make a stenographic record of the proceedings had in this matter and cause the same to be transcribed; that the foregoing is a true and correct copy of the same and the whole thereof.

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VICKY A. THELEMAN, RPR, CRR  
United States Court Reporter  
US District Court - NDNY

Dated: August 25, 2008.